

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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DANIEL DAVID DYDZAK,

*Plaintiff-Appellant,*

v.

TANI CANTIL-SAKAUYE, ET AL.,

*Defendants-Appellees.*

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On Appeal from the United States District Court  
for the District of Nevada

Case No. 2:22-cv-01008-APG-VCF

Hon. Andrew P. Gordon

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**SUPPLEMENTAL EXCERPTS OF RECORD OF APPELLEES  
ERIC M. GEORGE, RONALD M. GEORGE, AND  
ALAN I. ROTHENBERG**

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<sup>1</sup> Pursuant to Ninth Circuit Rule 30-1.3, Appellees have included in this Supplemental Excerpts of Record all documents cited by Appellant in his Informal Opening Brief that relate to the disposition of his claims against Appellees Eric M. George, Ronald M. George, and Alan I. Rothenberg.

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Daniel David Dydzak

Plaintiff,

v.

Tani Cantil-Sakauye, et al.,

Defendants.

JUDGMENT IN A CIVIL CASE

Case Number: 2:22-cv-01008-APG-VCF

— **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

— **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

× **Decision by Court.** This action came for consideration before the Court. The issues have been considered and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED**

Defendants Tani G. Cantil-Sakauye and Jorge Navarette are dismissed without prejudice for lack of subject matter jurisdiction and lack of personal jurisdiction.

Defendants Eric George, Ronald George, Alan Rothenberg, William Dato, Donald Miles, MidFirst Bank, Charles Schwab, William Canby, Ferdinand Fernandez, William Fletcher, Ronald Gould, Barry Silverman, Richard Tallman, Sidney Thomas, Kim Wardlaw, Maxine Chesney, Molly Dwyer, George King, Edward Schiffer, Peter Shaw, and A. Wallace Tashima are dismissed without prejudice for lack of personal jurisdiction. Defendant Thomas Layton is dismissed without prejudice for failure to timely serve.

08/04/2023

Date

DEBRA K. KEMPI

Clerk



/s/ C. Torres

Deputy Clerk

**AttyDefsSER-003**

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

DANIEL DAVID DYDZAK,

Plaintiff

v.

TANI CANTIL-SAKAUYE, et al.,

Defendants

Case No.: 2:22-cv-01008-APG-VCF

**Order Granting Motions to Dismiss**

[ECF Nos. 5, 14, 16, 22, 25]

Daniel Dydzak sues numerous defendants for various claims arising out of or related to his disbarment as a California attorney and the subsequent lawsuits he has pursued in California state and federal courts. The California state and federal courts have entered vexatious litigant orders barring him from bringing such lawsuits in California or federal courts without pre-filing authorization. Dydzak filed this action in Nevada state court. ECF No. 1-2. Defendants Molly Dwyer, Peter Shaw, Edward Schiffer, Sidney Thomas, and George King removed the action under 28 U.S.C. §§ 1442(a)(1) and (3) because they are federal officers and judges. ECF No. 1.

Defendants Eric George, Ronald George, Alan Rothenberg, William Dato, Donald Miles, MidFirst Bank, and Charles Schwab (collectively, the moving defendants) filed motions to dismiss raising various arguments, including that this lawsuit is barred by the vexatious litigant orders, that this court lacks subject matter and personal jurisdiction, that the complaint fails to state a claim, that Schwab was not properly served, and that absolute judicial immunity bars the claims against Dato. ECF Nos. 5, 14, 16, 22, 25.

Dydzak responds that as the plaintiff, he can choose where to sue and Nevada is a proper venue because defendant Johnnie Rawlinson resides here. He asserts that Rawlinson was one member of an illegally constituted appellate panel presiding over an appeal in a case out of the



1 Northern District of California in which the moving defendants were parties, so the defendants  
 2 have contacts with Nevada. He contends that subject matter jurisdiction exists because the  
 3 complaint asserts violations of his federal civil rights. He also contends that the vexatious  
 4 litigant orders are on appeal or were the product of fraud and therefore should not be enforced.  
 5 According to Dydzak, Dato acted fraudulently and in the absence of jurisdiction, so he is not  
 6 entitled to absolute judicial immunity. Finally, he asserts that he properly served Schwab.

7 I grant the motions to dismiss because this court lacks personal jurisdiction over the  
 8 moving defendants. Additionally, Dydzak's claims against the moving defendants are barred by  
 9 vexatious litigant orders and Dydzak has not sought pre-filing authorization.

#### 10 **I. PERSONAL JURISDICTION**

11 "When a defendant moves to dismiss for lack of personal jurisdiction, the plaintiff bears  
 12 the burden of demonstrating that the court has jurisdiction over the defendant." *Pebble Beach*  
 13 *Co. v. Caddy*, 453 F.3d 1151, 1154 (9th Cir. 2006). If the motion to dismiss is based on written  
 14 materials rather than an evidentiary hearing, I must determine whether the plaintiff's "pleadings  
 15 and affidavits make a prima facie showing of personal jurisdiction." *Schwarzenegger v. Fred*  
 16 *Martin Motor Co.*, 374 F.3d 797, 800 (9th Cir. 2004) (quotation omitted). In deciding whether  
 17 the plaintiff has met his burden, I must accept as true the complaint's uncontroverted allegations.  
 18 *Id.*

19 "The general rule is that personal jurisdiction over a defendant is proper if it is permitted  
 20 by a long-arm statute and if the exercise of that jurisdiction does not violate federal due process."  
 21 *Pebble Beach Co.*, 453 F.3d at 1154. Nevada's long-arm statute permits the exercise of  
 22 jurisdiction on any basis consistent with federal due process. Nev. Rev. Stat. § 14.065(1).  
 23

1 Personal jurisdiction over defendants may be based on general or specific jurisdiction.  
 2 “A court may assert general jurisdiction over defendants when their affiliations with the State are  
 3 so continuous and systematic as to render them essentially at home in the forum State.”  
 4 *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S. 915, 919 (2011) (simplified). By  
 5 contrast, specific jurisdiction may be exercised when the defendants have sufficient minimum  
 6 contacts with the forum state and the claims against them arise from those contacts. *Burger King*  
 7 *Corp. v. Rudzewicz*, 471 U.S. 462 (1985).

8 The moving defendants are alleged to be California residents or entities, and there are no  
 9 allegations or evidence that they have continuous and systematic contacts with Nevada. ECF No.  
 10 1-2 at 3-5. Consequently, there is no basis to exercise general jurisdiction over them, and  
 11 Dydzak does not assert that general personal jurisdiction applies.

12 The Ninth Circuit has established a three-prong test for analyzing a claim of specific  
 13 personal jurisdiction:

- 14 (1) The non-resident defendant must purposefully direct his activities or
- 15 consummate some transaction with the forum or resident thereof; or perform
- 16 some act by which he purposefully avails himself of the privilege of conducting
- 17 activities in the forum, thereby invoking the benefits and protections of its laws;
- 18 (2) the claim must be one which arises out of or relates to the defendant’s forum-
- 19 related activities; and
- 20 (3) the exercise of jurisdiction must comport with fair play and substantial justice,
- 21 i.e. it must be reasonable.

19 *Schwarzenegger*, 374 F.3d at 802 (quotation omitted). “The plaintiff bears the burden of  
 20 satisfying the first two prongs of the test.” *Id.* at 802. If he succeeds, the defendant then must  
 21 “present a compelling case that the exercise of jurisdiction would not be reasonable.” *Id.*

22 In analyzing specific jurisdiction, the court “focuses on the relationship among the  
 23 defendant, the forum, and the litigation.” *Walden v. Fiore*, 571 U.S. 277, 283-84 (2014)

1 (simplified). That “relationship must arise out of contacts that the defendant himself creates with  
2 the forum State.” *Id.* at 284 (simplified). It cannot be based on the “random, fortuitous, or  
3 attenuated contacts” the defendant “makes by interacting with other persons affiliated with the  
4 State.” *Id.* at 286 (simplified). The “defendant’s suit-related conduct must create a substantial  
5 connection with the forum State.” *Id.* at 284. Thus, the “analysis looks to the defendant’s  
6 contacts with the forum State itself, not the defendant’s contacts with persons who reside there.”  
7 *Id.* at 285.

8 Dydzak contends that the defendants were parties to a case arising out of the Northern  
9 District of California in which Rawlinson was one of the Ninth Circuit judges on the appellate  
10 panel. Judge Rawlinson is alleged to live in Nevada. ECF No. 1-2 at 3. But the fact that  
11 Rawlinson was randomly selected to sit as an appellate judge for that case and that she happens  
12 to live in Nevada are not contacts the moving defendants created with Nevada. And with no  
13 allegations or evidence that the moving defendants engaged in acts directed at Nevada or  
14 purposefully availed themselves of the privilege of conducting activities in Nevada, Dydzak’s  
15 claims against them do not arise out of or relate to the moving defendants’ forum-related  
16 activities because there are none. Dydzak therefore has not made a prima facie showing of  
17 personal jurisdiction over any of the moving defendants.

18 In his various responses, Dydzak did not request amendment or jurisdictional discovery,  
19 and he offers no basis for suspecting that amendment or jurisdictional discovery would change  
20 the outcome. *See Boschetto v. Hansing*, 539 F.3d 1011, 1020 (9th Cir. 2008) (stating that a  
21 plaintiff seeking jurisdictional discovery must provide some basis to believe that discovery will  
22 lead to relevant evidence). And as discussed below, Dydzak’s claims are barred by vexatious  
23

litigant orders. I therefore grant the moving defendants' motions to dismiss without leave to amend or to conduct jurisdictional discovery.

## II. VEXATIOUS LITIGANT ORDERS

Dydzak is subject to multiple vexatious litigant orders. As relevant here, Judge Coughenour entered an order against Dydzak in the Central District of California declaring Dydzak a vexatious litigant and prohibiting him "from initiating any further litigation in this or any other federal court alleging deprivation of rights under 42 U.S.C. § 1983 or *Bivens* based on his disbarment without the prior authorization from the presiding judge of the U.S. District Court for the Central District of California." *Dydzak v. Cantil-Sakaue*, 2:11-cv-5560-JCC, ECF No. 35 (C.D. Cal. Sept. 25, 2012). Dydzak also must "provide security in the amount of \$5,000 for each defendant against whom he seeks to proceed with Court authorization in the future." *Id.* That order was affirmed on appeal. *Dydzak v. Cantil-Sakaue*, 9th Cir. No. 12-56960, Dkt. No. 25. The Ninth Circuit denied reconsideration and stated it would not entertain further motions in that appeal. *Dydzak v. Cantil-Sakaue*, 9th Cir. No. 12-56960, Dkt. No. 38. The mandate issued on August 21, 2015. *Dydzak v. Cantil-Sakaue*, 9th Cir. No. 12-56960, Dkt. No. 40. Despite that appeal being closed, Dydzak continued to file numerous motions in the case for nearly a year. *Dydzak v. Cantil-Sakaue*, 9th Cir. No. 12-56960, Dkt. Nos. 39, 42-91.

Judge Chesney issued a separate vexatious litigant order in *Dydzak v. United States of America* in the Northern District of California. Judge Chesney also declared Dydzak a vexatious litigant and prohibited Dydzak "from initiating any further litigation in this or any other federal court raising any claim based on, arising out of, or related to his disbarment or alleging that orders entered in lawsuits previously filed by him related to the same were rigged, fixed, or otherwise unlawful or illegitimate, without prior authorization from the federal court in which he

1 seeks to initiate such litigation.” *Dydzak v. United States of Am.*, 3:17-cv-04360-MMC, ECF No.  
2 61 (N.D. Cal. March 19, 2018). Judge Chesney also required \$5,000 in security for each  
3 defendant that Dydzak seeks to sue. *Id.* Dydzak appealed this order as well. *Dydzak v. U.S.A.*,  
4 9th Cir. No. 18-15673. Judge Rawlinson was a member of the appellate panel for that appeal.  
5 The appeal was dismissed for failure to prosecute. *Dydzak v. U.S.A.*, 9th Cir. No. 18-15673, Dkt.  
6 No. 24. The Ninth Circuit stated that no further filings would be accepted, and the mandate  
7 issued. *Dydzak v. U.S.A.*, 9th Cir. No. 18-15673, Dkt. Nos. 24, 26. Dydzak nevertheless again  
8 filed numerous motions in the closed appeal. *Dydzak v. U.S.A.*, 9th Cir. No. 18-15673, Dkt. Nos.  
9 25, 27-33.

10 Although Dydzak filed this lawsuit in Nevada state court, he has not sought pre-filing  
11 authorization after some of the federal defendants removed the case to this court. Dydzak should  
12 not be able to evade the vexatious litigant orders by filing suit in state court and awaiting the  
13 inevitable removal of the action to federal court. *See, e.g., Whitehead v. Twentieth Century Fox*  
14 *Film Corp.*, No. CIV.A. 05-1462 GK, 2005 WL 3275905, at \*3 (D.D.C. Aug. 29, 2005)  
15 (declining to allow a vexatious litigant to “circumvent” a pre-filing authorization order by filing  
16 in state court, which the defendants then removed to federal court); *Sassower v. Abrams*, 833 F.  
17 Supp. 253, 266 (S.D.N.Y. 1993) (same).

18 Dydzak contends that his claims do not fall within the parameters of the orders but  
19 instead they allege the defendants engaged in *ex parte* communications “to affect the outcome of  
20 the California Supreme Court Case No. S179850.” ECF No. 1-2 at 9. That case is Dydzak’s  
21 disbarment proceeding. *See* ECF No. 5-1 at 114-18. Dydzak also alleges that another defendant  
22 had improper *ex parte* communications with Dato to cause Dato to place Dydzak on the  
23 vexatious litigant list in California state court. ECF No. 1-2 at 9; *see also Dydzak v. United*

1 *States*, No. 17-CV-04360-EMC, 2017 WL 4922450, at \*1 n.2 (N.D. Cal. Oct. 31, 2017)  
2 (describing the case that resulted in Dato’s order as “involv[ing] similar allegations” to Dydzak’s  
3 other cases). Dydzak thus is alleging that an order entered in one of his previously filed lawsuits  
4 related to his disbarment was rigged, fixed, or otherwise unlawful or illegitimate.

5 Finally, Dydzak asserts that I should not enforce the vexatious litigant orders because  
6 they are not final. Dydzak is wrong, both factually and legally. As set forth above, the appeals  
7 have been resolved. The fact that Dydzak filed numerous motions after the mandates issued does  
8 not mean the appeals remain pending. And Dydzak is incorrect that a party is free to ignore a  
9 court’s ruling until it is finalized on appeal. *See United States v. United Mine Workers of Am.*,  
10 330 U.S. 258, 293 (1947) (stating that “an order issued by a court with jurisdiction over the  
11 subject matter and person must be obeyed by the parties until it is reversed by orderly and proper  
12 proceedings”). As the Supreme Court has explained:

13 [It is a] basic proposition that all orders and judgments of courts must be complied  
14 with promptly. If a person to whom a court directs an order believes that order is  
15 incorrect the remedy is to appeal, but, absent a stay, he must comply promptly  
16 with the order pending appeal. Persons who make private determinations of the  
17 law and refuse to obey an order generally risk criminal contempt even if the order  
18 is ultimately ruled incorrect.

19 *Maness v. Meyers*, 419 U.S. 449, 458 (1975). Consequently, even if Dydzak were correct that  
20 the appeals were not final, the vexatious litigant orders have not been overturned and Dydzak  
21 therefore must comply with them. Because he has not done so, I grant the moving defendants’  
22 motions to dismiss.

### 23 **III. CONCLUSION**

24 I THEREFORE ORDER that defendants Eric George, Ronald George, and Alan  
25 Rothenberg’s motion to dismiss (ECF No. 5) is **GRANTED**.

1 I FURTHER ORDER that defendant William Dato's motion to dismiss (ECF No. 14) is  
2 **GRANTED.**

3 I FURTHER ORDER that defendant Donald Miles' motion to dismiss (ECF No. 16) is  
4 **GRANTED.**

5 I FURTHER ORDER that defendant MidFirst Bank's motion to dismiss (ECF No. 22) is  
6 **GRANTED.**

7 I FURTHER ORDER that defendant Charles Schwab's motion to dismiss (ECF No. 25)  
8 **is GRANTED.**

9 DATED this 7th day of October, 2022.

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12 \_\_\_\_\_  
13 ANDREW P. GORDON  
14 UNITED STATES DISTRICT JUDGE  
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Defendants *in propria persona*  
Eric M. George, Ronald M. George, and Alan I.  
Rothenberg

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

DANIEL DAVID DYDZAK,  
  
Plaintiff,  
  
vs.  
  
TANI CANTIL-SAKAUYE, et al.,  
  
Defendants.

Case No. 2:22-cv-01008-APG-VCF

The Hon. Andrew P. Gordon

**DEFENDANTS ERIC GEORGE,  
RONALD M. GEORGE, AND ALAN I.  
ROTHENBERG'S REPLY IN SUPPORT  
OF MOTION TO DISMISS COMPLAINT**

Trial Date: None Set



**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

Plaintiff's opposition to Defendants' motion to dismiss does nothing to show that this Court has personal jurisdiction over defendants who have no connection whatsoever to the State of Nevada. The law is clear that each defendant to a proceeding must *independently* have sufficient connections to the forum state in order for a court to exercise personal jurisdiction over them. Plaintiff has alleged no such connections against Defendants Eric M. George, Ronald M. George, or Alan I. Rothenberg (collectively the "Attorney Defendants") and no such connections exist. The single allegation that one of the other named Defendants, Judge Johnnie B. Rawlinson, resides in Nevada does not establish jurisdiction over the Attorney Defendants as Plaintiff argues. Accordingly, the Attorney Defendants should be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(2).

**II. ARGUMENT**

**A. Judge Rawlinson's Alleged Connection to Nevada Does Not Provide a Sufficient Basis for Suing All Defendants In Nevada**

Plaintiff's argument that Judge Rawlinson's alleged residence in the State of Nevada makes jurisdiction in Nevada proper over all Defendants is incorrect on its face. It is a fundamental tenant of Due Process that jurisdiction must be established over each defendant individually. "Plaintiff[] must make a prima facie showing of jurisdictional facts giving rise to specific jurisdiction over each defendant separately." *Zeiger v. WellPet LLC*, 304 F. Supp. 3d 837 848 (N.D. Cal. 2018) (citing *Sher v. Johnson*, 911 F.2d 1357, 1365 (9th Cir. 1990)). Likewise, the United States Supreme Court has made clear that, because personal jurisdiction must be met as to each defendant in a case, it is improper to aggregate the forum contacts of multiple defendants in order to establish jurisdiction over one. *See Rush v. Savchuk*, 444 U.S. 320, 328, 331-32 (1980) (holding that, in a case involving a car accident, the fact that Defendant's insurer did business in the forum state was insufficient by itself to tie Defendant to the forum state); *see also Skurkis v. Montelongo*, Case No. 16-cv-0972-YGR, 2016 WL 4719271 at \*4 (N.D. Cal. Sept. 9, 2016) (granting a motion to dismiss for lack of personal jurisdiction where the plaintiff failed to show

1 “each defendant’s own contacts with [the forum state]” and instead only made allegations  
 2 concerning the entity defendants’ conduct generally and as a group) (emphasis in original).

3 Here, Plaintiff alleges that Judge Rawlinson, and only Judge Rawlinson, resides in Nevada  
 4 (Compl. ¶ 7.) Plaintiff’s Complaint contains no other allegations that the Attorney Defendants  
 5 were in any way associated with the State of Nevada. Instead, in his opposition brief, Plaintiff  
 6 argues that a sufficient connection exists because the Attorney Defendants were named in a prior  
 7 case and Judge Rawlinson was a member of the Ninth Circuit appellate panel presiding over an  
 8 appeal in that case. (Opp. at 4.) But this attenuated association does nothing to show that the  
 9 Attorney Defendants are subject to jurisdiction in the State of Nevada. None of the Attorney  
 10 Defendants are domiciled in Nevada, nor do they have such “continuous and systematic” contacts  
 11 with the state that exercise of general personal jurisdiction over them in the state would be  
 12 considered reasonable under *Helicopteros Nacionales de Colombia, S.A. v. Hall*, 466 U.S. 408,  
 13 415-16 (1984).

14 Similarly, the cause of action against the Attorney Defendants, conspiracy to unlawfully  
 15 interfere with the processes of the court, did not arise from any alleged contact taking place in  
 16 Nevada. Contrary to Plaintiff’s assertion, the fact that the Attorney Defendants allegedly  
 17 communicated with other California-based Defendants concerning a matter in the California  
 18 Supreme Court arising from a California State Bar does not establish jurisdiction over the  
 19 Attorney Defendants in Nevada. *See Omeluk v. Langsten Slip & Batbyggeri A/S*, 52 F.3d 267, 270  
 20 (9th Cir. 1995) (explaining that the test for specific personal jurisdiction involves a defendant  
 21 “purposefully avail[ing] himself of the privilege of conducting activities in the forum . . .”).  
 22 Additionally, because the cause of action pertaining to the Attorney Defendants does not arise  
 23 from activity taking place in Nevada, Plaintiff is unable to show that specific personal jurisdiction  
 24 exists here. Accordingly, personal jurisdiction in Nevada is improper and the Attorney  
 25 Defendants should be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(2).<sup>1</sup>

26  
 27 <sup>1</sup> Plaintiff also incorrectly states that the Central District of California’s Order, issued nearly ten  
 28 years ago, is not final because it “is subject to numerous pending appeal motions in the Ninth

1 **III. CONCLUSION**

2 It is clear that this Court lacks jurisdiction over Defendants Eric M. George, Ronald M.  
3 George, and Alan I. Rothenberg, and that Plaintiff attempted to bring his lawsuit in Nevada only  
4 because he is no longer permitted to bring his claims in California. Accordingly, the Attorney  
5 Defendants respectfully request that this Court dismiss them from this litigation.

6  
7 Date: July 27, 2022

8 Respectfully submitted,

9  
10 By /s/ Eric M. George  
11 Eric M. George, *in propria persona*  
12 c/o 2121 Avenue of the Stars, Suite 3000  
13 Los Angeles, California 90067  
Tel. (310) 274-7100

14 Date: July 27, 2022

15  
16 By /s/ Alan I. Rothenberg  
17 Alan I. Rothenberg, *in propria persona*  
18 c/o 2121 Avenue of the Stars, Suite 3000  
19 Los Angeles, California 90067  
20 Tel. (310) 274-7100

21  
22  
23  
24 Circuit Court of Appeals.” (Opp. at 6.) In May 2015, the Ninth Circuit Court of Appeals affirmed  
25 Judge Coughenour’s vexatious litigant order in its entirety and denied all associated pending  
26 motions. (*See* Attorney Defendants’ Supplemental Request for Judicial Notice, Ex. A, Ninth  
27 Circuit Memorandum dated May 18, 2015, Case No. 12-56960.) The Ninth Circuit then denied  
28 Plaintiff’s motion for reconsideration, specifying that “[n]o further filings will be entertained in  
this closed case.” (*See* Attorney Defendants’ Supplemental Request for Judicial Notice, Ex. B,  
Ninth Circuit Order dated August 12, 2015, Case No. 12-56960).

1 Date: July 27, 2022

2  
3  
4 By /s/ Ronald M. George  
5 Ronald M. George, *in propria persona*  
6 c/o 2121 Avenue of the Stars, Suite 3000  
7 Los Angeles, California 90067  
8 Tel. (310) 274-7100  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 27 day of July, 2022, I caused a true and correct copy of

**DEFENDANTS ERIC GEORGE, RONALD M. GEORGE, AND ALAN I.**

**ROTHENBERG'S REPLY IN SUPPORT OF MOTION TO DISMISS COMPLAINT**

to be placed in the United States Mail, with first class postage prepaid, addressed as follows:

Daniel D. Dydzak  
4265 Marina City Drive, Suite 407W  
Marina del Rey, CA 90292  
Telephone (310) 867-1289

Plaintiff, in Pro Per

By



Corinne Ubence, an Employee of  
ELLIS GEORGE CIPOLLONE O'BRIEN  
ANNAGUEY LLP


**CERTIFICATE OF SERVICE**

I hereby certify that on this 27 day of July, 2022, a true and correct copy of

**DEFENDANTS ERIC GEORGE, RONALD M. GEORGE, AND ALAN I.**

**ROTHENBERG'S REPLY IN SUPPORT OF MOTION TO DISMISS COMPLAINT**

was served via the United States District Court CM/ECF system on all parties or persons requiring notice.

By   
Corinne Ubence, an Employee of  
ELLIS GEORGE CIPOLLONE O'BRIEN  
ANNAGUEY LLP

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5 Defendants *in propria persona*  
6 Eric M. George, Ronald M. George, and Alan I.  
Rothenberg  
7

8  
9 UNITED STATES DISTRICT COURT  
10 DISTRICT OF NEVADA

11 DANIEL DAVID DYDZAK,  
12  
13 Plaintiff,  
14  
15 vs.  
16 TANI CANTIL-SAKAUYE, et al.,  
17 Defendants.

Case No. 2:22-cv-01008-APG-VCF

The Hon. Andrew P. Gordon

**DEFENDANTS ERIC M. GEORGE,  
RONALD M. GEORGE, AND ALAN I.  
ROTHENBERG'S SUPPLEMENTAL  
REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF MOTION TO DISMISS  
COMPLAINT**

Trial Date: None Set

1           **TO THE HONORABLE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF**  
2 **RECORD:**

3           Defendants Eric M. George, Ronald M. George, and Alan I. Rothenberg hereby request  
4 that the Court take judicial notice of the following documents in support of its concurrently filed  
5 Reply in Support of Motion to Dismiss Plaintiff's Complaint:

6           1.       Ninth Circuit Memorandum dated May 18, 2015 in the matter of *Dydzak v. Cantil-*  
7 *Sakaue*, Case No. 12-56960. A true and correct copy is attached as **Exhibit A** hereto.

8           2.       Ninth Circuit Order dated August 12, 2015 in the matter of *Dydzak v. Cantil-*  
9 *Sakaue*, Case No. 12-56960. A true and correct copy is attached as **Exhibit B** hereto.

10          A court "must take judicial notice if a party requests it and the court is supplied with the  
11 necessary information." Fed. R. Evid. 201(c)(2). Pursuant to Federal Rule of Evidence 201(b),  
12 courts may take judicial notice of adjudicative facts that are not subject to reasonable dispute  
13 because they "can be accurately and readily determined from sources whose accuracy cannot  
14 reasonably be questioned." (Fed. R. Evid. 201(b)(2).)

15          Courts may take judicial notice of "court filings and other matters of public record."  
16 *Reyn's Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746, n.6 (9th Cir. 2006) (citing  
17 *Burbank-Glendale-Pasadena Airport Auth. v. City of Burbank*, 136 F.3d 1360, 1364 (9th Cir.  
18 1998)). Documents are properly subject to judicial notice when they are readily verifiable. *Reyn's*  
19 *Pasta Bella*, 442 F.3d at 746 n.6 (taking judicial notice of documents filed in a separate litigation  
20 in another court even though the documents were filed under seal).

21          Here, Defendants request that the Court take judicial notice of a memorandum and an  
22 order, both issued by the United States Court of Appeals for the Ninth Circuit. Both documents  
23 are matters of public record and they are copies of court files, which are readily verifiable.  
24 Additionally, the documents are being presented to this Court in support of undisputed facts  
25 recited in Defendants' reply brief. Therefore, it is proper for this court to take judicial notice of  
26 Exhibits A and B in adjudicating Defendants' Motion to Dismiss.

27          Based on the foregoing, Defendants Eric M. George, Ronald M. George, and Alan I.  
28 Rothenberg respectfully request that this Court take judicial notice of the documents attached as



1 Exhibits A and B hereto.

4 Date: July 27, 2022

Respectfully submitted,

7  
8 By /s/ Eric M. George  
9 Eric M. George, *in propria persona*  
10 c/o 2121 Avenue of the Stars, Suite 3000  
11 Los Angeles, California 90067  
12 Tel. (310) 274-7100

13  
14 Date: July 27, 2022

15 By /s/ Alan I. Rothenberg  
16 Alan I. Rothenberg, *in propria persona*  
17 c/o 2121 Avenue of the Stars, Suite 3000  
18 Los Angeles, California 90067  
19 Tel. (310) 274-7100

20  
21 Date: July 27, 2022

22 By /s/ Ronald M. George  
23 Ronald M. George, *in propria persona*  
24 c/o 2121 Avenue of the Stars, Suite 3000  
25 Los Angeles, California 90067  
26 Tel. (310) 274-7100  
27  
28

**CERTIFICATE OF SERVICE**

I hereby certify that on this 27 day of July, 2022, I caused a true and correct copy of

**DEFENDANTS ERIC GEORGE, RONALD M. GEORGE, AND ALAN I.**

**ROTHENBERG'S SUPPLEMENTAL REQUEST FOR JUDICIAL NOTICE IN SUPPORT  
OF MOTION TO DISMISS COMPLAINT**

to be placed in the United States Mail, with first class postage prepaid, addressed as follows:

Daniel D. Dydzak  
4265 Marina City Drive, Suite 407W  
Marina del Rey, CA 90292  
Telephone (310) 867-1289

Plaintiff, in Pro Per

By



Corinne Ubence, an Employee of  
ELLIS GEORGE CIPOLLONE O'BRIEN  
ANNAGUEY LLP

**CERTIFICATE OF SERVICE**

I hereby certify that on this 27 day of July, 2022, a true and correct copy of

**DEFENDANTS ERIC GEORGE, RONALD M. GEORGE, AND ALAN I.**

**ROTHENBERG'S SUPPLEMENTAL REQUEST FOR JUDICIAL NOTICE IN SUPPORT  
OF MOTION TO DISMISS COMPLAINT**

was served via the United States District Court CM/ECF system on all parties or persons requiring  
notice.

By



Corinne Ubence, an Employee of  
ELLIS GEORGE CIPOLLONE O'BRIEN  
ANNAGUEY LLP

# EXHIBIT A

Ninth Circuit Memorandum

May 18, 2015

*Dydzak v. Cantil-Sakauye*

Case No. 12-56960

EXHIBIT A

FILED

NOT FOR PUBLICATION

MAY 18 2015

UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

DANIEL DAVID DYDZAK,

Plaintiff - Appellant,

v.

TANI CANTIL-SAKAUYE; et al.,

Defendants - Appellees.

No. 12-56960

D.C. No. 2:11-cv-05560-JCC

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
John C. Coughenour, District Judge, Presiding\*\*

Submitted May 13, 2015\*\*\*

Before: LEAVY, CALLAHAN, and M. SMITH, Circuit Judges.

Daniel David Dydzak, a disbarred California attorney, appeals pro se from the district court's judgment dismissing his action alleging constitutional claims

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The Honorable John C. Coughenour, United States District Judge for the Western District of Washington, sitting by designation under 28 U.S.C. § 292(b).

\*\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

AttyDefsSER-025

related to his disbarment, and from its order declaring him a vexatious litigant. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a sua sponte dismissal for failure to state a claim. *Barrett v. Belleque*, 544 F.3d 1060, 1061 (9th Cir. 2008). We affirm.

The district court properly dismissed Dydzak’s claims against the federal judges and California Supreme Court Chief Justice Tani Cantil-Sakauye because they are immune from liability. *See Stump v. Sparkman*, 435 U.S. 349, 359 (1978) (“A judge is absolutely immune from liability for his judicial acts even if his exercise of authority is flawed by the commission of grave procedural errors.”).

The district court properly dismissed on the basis of the doctrine of res judicata Dydzak’s claims against defendants Scott J. Drexel, Joann Remke, the California Supreme Court, and California Supreme Court Justices Joyce L. Kennard, Marvin R. Baxter, Kathryn M. Werdegar, Ming W. Chin, Carol A. Corrigan, and Ronald M. George, because Dydzak alleged nearly identical claims related to his disbarment against these defendants in a prior federal action in which there was a final judgment on the merits. *See Stewart v. U.S. Bancorp*, 297 F.3d 953, 956-57 (9th Cir. 2002) (setting forth elements of res judicata).

The district court properly dismissed Dydzak’s claims against defendant Beth Jay under the doctrine of collateral estoppel because the issues raised in these

claims had been previously litigated, and were necessary to the prior judgment. *See McQuillion v. Schwarzenegger*, 369 F.3d 1091, 1096 (9th Cir. 2004) (a prior decision has preclusive effect if the issues at stake are identical, were actually litigated by the party against whom preclusion is asserted, and were a critical and necessary part of the prior judgment).

The district court did not abuse its discretion by entering a pre-filing order against Dydzak after providing him notice and an opportunity to be heard, developing an adequate record for review, making substantive findings regarding his frivolous litigation history, and tailoring the restriction narrowly. *See Molski v. Evergreen Dynasty Corp.*, 500 F.3d 1047, 1056, 1057-61 (9th Cir. 2007) (per curiam) (setting forth standard of review and discussing factors to consider before imposing pre-filing restrictions).

We reject Dydzak's contentions that the district court lacked jurisdiction and that its proceedings involved extrinsic fraud or fraud upon the court.

Dydzak's requests for oral argument, filed on January 26, 2015 and set forth in his opening brief, are denied.

Dydzak's remaining requests, set forth in his opening brief, are denied.

All pending motions are denied.

**AFFIRMED.**

## EXHIBIT B

Ninth Circuit Order  
August 12, 2015  
*Dydzak v. Cantil-Sakauye*  
Case No. 12-56960

EXHIBIT B



FILED

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

AUG 12 2015

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

DANIEL DAVID DYDZAK,  
  
Plaintiff - Appellant,  
  
v.  
  
TANI CANTIL-SAKAUYE; et al.,  
  
Defendants - Appellees.

No. 12-56960

D.C. No. 2:11-cv-05560-JCC  
Central District of California,  
Los Angeles

ORDER

Before: LEAVY, CALLAHAN, and M. SMITH, Circuit Judges.

We treat Dydzak's motion for reconsideration, filed on June 1, 2015, as a petition for panel rehearing, and deny the petition.

All remaining motions are also denied.

No further filings will be entertained in this closed case.

1 Daniel David Dydzak  
2 Plaintiff  
3 4265 Marina City Drive, Suite 407W  
4 Marina del Rey, CA 90292  
5 Telephone: (310) 867-1289  
6 Email: ddydzak@yahoo.com

FILED	RECEIVED
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COUNSEL/PARTIES OF RECORD	
JUL 20 2022	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY

7  
8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 **Case No. 2:22-cv-01008-APG-VCF**  
11 **Assigned to Hon. Andrew P. Gordon**

12 **DANIEL DAVID DYDZAK,**  
13 **Plaintiff,**

14 **v.**

15 **TANI CANTIL-SAKAUYE, et al.,**  
16 **Defendants.**

17 **PLAINTIFF'S OPPOSITION AND**  
18 **RESPONSE TO MOTION TO DISMISS**  
19 **BY DEFENDANTS ERIC GEORGE,**  
20 **RONALD M. GEORGE AND ALAN I.**  
21 **ROTHENBERG; MEMORANDUM OF**  
22 **POINTS AND AUTHORITIES THERETO;**  
23 **PLAINTIFF'S OPPOSITION AND**  
24 **RESPONSE TO REQUEST FOR JUDICIAL**  
25 **NOTICE**

26 **Hearing Requested**

27 **TO THIS HONORABLE COURT, ALL PARTIES AND THEIR COUNSEL OF**  
28 **RECORD:**

**COMES NOW Plaintiff, DANIEL DAVID DYDZAK ("DYDZAK"), and**  
**opposes and responds to the meritless and unsupportable Motion to Dismiss Plaintiff's**

**DYDZAK V. CANTIL-SAKAUYE**

**AttyDefsSER-030**

1 Complaint by Defendants ERIC GEORGE, RONALD M. GEORGE and ALAN I.  
2 ROTHENBERG (collectively "GEORGE DEFENDANTS").

3 Plaintiff further responds to the Request for Judicial Notice.

4  
5 Dated: June 18, 2022

Respectfully Submitted,

6  
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8

9 DANIEL DAVID DYDZAK

10 Plaintiff  
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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I**

**THIS HONORABLE COURT HAS SUBJECT MATTER AND PERSONAL JURISDICTION OVER GEORGE DEFENDANTS**

Plaintiff is the one bringing the lawsuit. He elects the venue when there is a proper jurisdictional basis therefor. There are several Defendants in this case, residing in various jurisdictions such as Nevada, California, Arizona and Washington.

In this case, Defendant RAWLINSON is, and was at all times relevant to this litigation, a resident of the State of Nevada (Paragraph 7 of the Complaint). This lawsuit was properly and jurisdictionally filed in Clark County, Nevada. Venue is proper in Las Vegas, Nevada, because venue exists where any of the defendants reside. NRS 13.040. Thereafter, the case was removed by certain Defendants.

Defendant RAWLINSON, with various other federal Defendants, was served with process the day after President's Day by an adult over eighteen years old. Various other federal Defendants were served on other dates. Plaintiff will address this issue in another pleading with more detail in the future.

There is proper subject matter jurisdiction in this case, because the Fifth Cause of Action for Violation of Civil Rights includes Defendant RAWLINSON, residing in Clark County, Nevada (Paragraphs 47-51 of the Complaint). The Nevada Court had concurrent jurisdiction to hear federal claims (Paragraph 28 of the Complaint). Tafflin v. Levitt, 493 U.S. 455 (1990). Thereafter, the case was removed by certain Defendants to federal court.

Under Nevada law, the district courts have original jurisdiction over all matters excluded from the jurisdiction of the justice and municipal courts and appellate jurisdiction in cases arising from these courts. Morrison v. Beach City LLC, 991 P.2d 982 (2000).

Certain federal Defendants were entitled to remove the case to federal court under diversity of citizenship grounds.

The "minimum contacts" doctrine recognizes the power of the sovereign state of Nevada to exercise jurisdiction where a sufficient connection exists with a nonresident. I.e., commonly referred to as a "long-arm" statute. Nevada has a long-arm statute, and it is interpreted broadly to reach the outer limits of federal constitutional due process. See *Welburn v. Eighth Jud. Dist. Ct. of State*, 806 P.2d 1045 (1991).

**THE COMPLAINT MORE THAN SUFFICIENTLY ALLEGES A CAUSE OF ACTION AGAINST GEORGE DEFENDANTS**

DYDZAK V. CANTIL-SAKAUYE

1 No-one is above the Rule of Law, not even the President of the United States.  
 2 See U.S. v. Nixon, 418 U.S. 683 (1974). This Court has to do the right thing, give  
 3 DYDZAK his day in court and allow him to pursue his more than sufficiently alleged  
 4 causes of action.

5 The Due Process Clause, guaranteed by the 5<sup>th</sup> and 14<sup>th</sup> Amendments, requires  
 6 that there be fairness in state proceedings and activities related thereto. This is a  
 7 cornerstone of the American judicial system. This federal District Court cannot ignore  
 8 tainted state proceedings and state actor misconduct. Nor can it ignore illegal actions by  
 9 the GEORGE DEFENDANTS as private individuals.

10 The law favors a trial on the merits.

11 The moving papers offer no persuasive authority why his lawsuit should not  
 12 be allowed to proceed. Certainly, DYDZAK has a right of redress in this case. As  
 13 Chief Justice Marshall stated in Marbury v. Madison, 5 U.S. 137 (1803): “The  
 14 Government of the United States has been emphatically termed a government of  
 15 laws and not of men. It will certainly cease to deserve this high appellation if the  
 16 laws furnish no remedy for the violation of vested legal rights.”

17 The Motion to Dismiss does NOT adequately address at all why DYDZAK  
 18 cannot sue moving Defendants in the Third Cause of Action. This count is  
 19 adequately pled. DYDZAK has alleged the requisite elements for a conspiracy to  
 20 commit the underlying tort. E.g., conspiracy to commit violation of civil rights, 42  
 21 USC 1985; CA CACI No. 3600 (CA Jury Instructions); Pettitt v. Levy (1972) 28  
 22 Cal.App.3d 484, 491.

23 Plaintiff has already sufficiently stated causes of action through “notice”  
 24 pleading—a short and plain statement of the claim showing Plaintiff is entitled to relief,  
 25 See Fed.R.Civ.P. 8(a)(2).

#### 26 IV

27 **THIS LAWSUIT IS NOT IN BAD FAITH NOR FRIVOLOUS; THEREFORE,**  
 28 **THIS COURT, EXERCISING ITS INDEPENDENT JURISDICTION AND**

**AUTHORITY, SHOULD NOT CONSIDER UNLAWFUL, “RIGGED”**  
**PREFILING ORDERS EMANATING FROM OTHER COURTS**

With regard to the federal judge Coughenour pre-filing Order, this Order is subject to numerous pending appeal motions in the Ninth Circuit Court of Appeals, which have not been deliberately ruled upon for years. The purported Coughenour “political” Order is not final and still being appealed in the 9<sup>th</sup> Circuit Court of Appeals.

An Order that is not final should not been given any weight or collateral estoppel effect. Griggs v. Provident Consumer Discount Co., 459 U.S. 56 (1982).

The Coughenour Order was apparently, unethically not drafted by this jurist, but, upon reasonable information and belief, fraudulently and illegally by a disgraced, former staff attorney, Lydia Yurchuk, with the Central District of CA U.S. District Court. This is so, even though that entire Court (and roster of judges) were disqualified from hearing DYDZAK’s lawsuit by Order of then Chief Judge Kozinski of the 9<sup>th</sup> Circuit. Clearly, a staff attorney with the Central District of CA should not have been working on the Order with Judge Coughenour of the State of Washington when the Central District Judges were all disqualified by then Chief Judge Kozinski. When Plaintiff brought this issue up in certain of his pleadings, attorney Lydia Yurtchuk was apparently “fired” or took an early retirement on inactive status. She no longer worked for the Central District of California federal Court. The Coughenour Order is restricted to the Central District of California, which has a political animus towards DYDZAK, and there was “fraud upon the court” towards him with respect to that Order. So that purported pre-filing Order should be disavowed and disregarded by this U.S. District Court in its ruling process.

As for the purported pre-filing Order of California Judge Dato, as set forth in the 8<sup>th</sup> Cause of Action in the Complaint, that purported pre-filing Order should not be given any weight and regard by this Honorable Court. It is DYDZAK’s legitimate position that this Order is invalid/void and marked by extrinsic fraud. That pre-filing Order came about several years ago when Judge Dato was a Superior Court Judge, and

1 the subject case was illegally transferred to him in San Diego even though there were  
 2 no San Diego-based Defendants therein. It is a bogus, rigged pre-filing Order,  
 3 deliberately meant to harm DYDZAK's right of redress to the Courts in California.  
 4 When Judge Dato made the Order, he was "rewarded" by Defendant CANTIL-  
 5 SAKAUYE, using her influence, with a subsequent appointment to the California  
 6 Court of Appeal. Unfortunately, further, Judge Dato has covered up the corruption of  
 7 Defendant CANTIL-SAKAUYE towards Plaintiff by sitting on the California  
 8 Commission on Judicial Performance and protecting her unethical conduct towards  
 9 DYDZAK. She got him appointed to that position, upon reasonable information and  
 10 belief, to protect herself. Moreover, Judge DATO's credibility is undermined as well  
 11 by his history of disreputable conduct. He was associated for many years with  
 12 convicted, disbarred, fraudster class-action attorney Bill Lerach of San Diego. Sources  
 13 advise DYDZAK that Judge DATO should have been indicted with Bill Lerach for  
 14 criminal conduct at that time but never was.

15 A Nevada Court has independent jurisdiction over whether a litigant is vexatious.  
 16 NRS 155.165; Jones v. State ex rel. Dept. of Motor Vehicles & Public Safety, 121  
 17 Nev. 44, 110 P.3d 30 (2005). Clearly, this lawsuit has merit and should be allowed to  
 18 proceed. Likewise, this federal lawsuit is not frivolous and should be allowed to  
 19 proceed.

20 This lawsuit is not contesting Plaintiff's illegal disbarment in the State of  
 21 California. The Cause of Action against GEORGE DEFENDANTS is sufficiently pled  
 22 and no pre-filing Order applies to the new claims against them that have never been  
 23 litigated before. DYDZAK has a right of redress to the Courts, not to be "politically"  
 24 shut down.

25 With respect to the Request for Judicial Notice, the pleadings proffered are not  
 26 relevant to the new claims asserted in this lawsuit against the GEORGE  
 27 DEFENDANTS. The Request for Judicial Notice should be denied with prejudice.  
 28 At the pleading stage, the allegations of the Complaint are liberally construed and  
 regarded as true. See F.R.Evidence, Rule 201.



**CONCLUSION**

For the reasons set forth herein, and in the interests of justice and equity, the Motion to Dismiss Plaintiff's Complaint by GEORGE DEFENDANTS should be denied with prejudice. Said Defendants should be ordered to answer forthwith. The Request for Judicial Notice is not relevant at the pleading stage, since the averments and allegations are taken and presumed to be true, pending discovery. Leave to amend should be liberally granted, if the Court so requires same. See F.R.C.P. , Rule 15.

It is to be noted that the allegations of corruption and misconduct in Plaintiff's lawsuit is so pervasive that Defendant SCHWAB, although duly served, has not responded to the lawsuit and is in default. A default motion will be filed shortly as to Defendant SCHWAB.

It is no surprise that the Georges and Mr. Rothenberg would collude to harm DYDZAK. On one occasion, after suing Mr. Rothenberg on behalf of former legal clients. the latter said to Plaintiff: "I'm going to get you." And Defendant RONALD M. GEORGE once telephonically stated to Plaintiff: "Nobody cares what you have to say." This astonishingly referred, upon information and belief, to his influence and ex parte contacts with certain persons to harm DYDZAK.

This federal court has jurisdiction over ancillary or supplemental claims over GEORGE DEFENDANTS in addition to the federal causes of action.

Plaintiff has tried repeatedly to settle this case, to no avail. Hence, he has no choice but to litigate and have appropriate rulings from this U.S. District Court. As always, Plaintiff is open to reasonable resolution.

Dated: June 18, 2022

Respectfully Submitted,



DANIEL DAVID DYDZAK

Plaintiff

**CERTIFICATE/PROOF OF SERVICE**

I, JIM LANE, hereby declare that I am over the age of eighteen years and am not a party to the within above-entitled action, that I am employed in the County of Los Angeles, State of California, and that my business address is 4265 Marina City Drive, Suite 407W, Marina del Rey, CA 90292.

On July 18, 2022, I served a true and correct copy of the following document or pleading on the interested parties or their counsel of record:

PLAINTIFF'S OPPOSITION AND RESPONSE TO MOTION TO DISMISS BY  
DEFENDANTS ERIC GEORGE, RONALD M. GEORGE AND ALAN I.ROTHENBERG;  
MEMORANDUM OF POINTS AND AUTHORITIES THERETO; PLAINTIFF'S  
OPPOSITION AND RESPONSE TO REQUEST FOR JUDICIAL NOTICE

☒ [BY U.S. MAIL] On this same day, I mailed the interested parties or their counsel of record the above-described document or pleading by regular United States mail to their respective service or mailing addresses.

OLSON CANNON GORMLEY & STOBERSKI  
9950 WEST CHEYENE AVENUE  
LAS VEGAS, NEVADA 89129

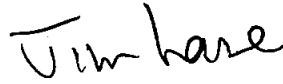
MARQUIS AURBACH  
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LAS VEGAS, NEVADA 89145

HINSHAW & CULBERTSON, LLP  
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PATRICK A. ROSE, ESQ.  
U.S. ATTORNEY OFFICE  
501 LAS VEGAS BLVD. SO.  
SUITE 1100  
LAS VEGAS, NEVADA 89101

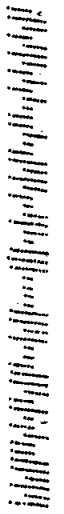
1 ERIC M. GEORGE  
2 RONALD M. GEORGE  
3 ALAN I. ROTHENBERG  
4 c/o 2121 AVENUE OF THE STARS  
5 SUITE 3000  
6 LOS ANGELES, CA 90067

7  
8 I declare under penalty of perjury under the laws of the United States of America that the  
9 foregoing is true and correct, and that this Declaration was executed on July 18, 2022,  
10 at Los Angeles, California.



11  
12 JIM LANE

13 Declarant  
14  
15  
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27  
28



Daniel D. Dydzak  
4265 Havana City Drive  
#40720  
Havana del Rey, CA 90292

XRAYED US MARSHALS SERVICE

✓ D.

Clerk's Office (Rm 1334)  
U.S. District Court

Lloyd D. George U.S. Courthouse  
333 Las Vegas Blvd. S.  
Las Vegas, Nevada  
89101

FILED	RECEIVED
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COUNSEL PARTIES OF RECORD	
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DISTRICT OF NEVADA	
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1 Eric M. George  
Ronald M. George  
2 Alan I. Rothenberg  
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3 Los Angeles, California 90067  
Telephone: (310) 274-7100  
4 Facsimile: (310) 275-5697  
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5

Defendants *in propria persona*  
6 Eric M. George, Ronald M. George, and Alan I.  
Rothenberg  
7

8  
9 UNITED STATES DISTRICT COURT  
10 DISTRICT OF NEVADA

11 DANIEL DAVID DYDZAK,  
12  
Plaintiff,  
13  
vs.  
14 TANI CANTIL-SAKAUYE, et al.,  
15  
Defendant.  
16

Case No. 2:22-cv-01008-APG-VCF

The Hon. Andrew P. Gordon

**DEFENDANTS ERIC GEORGE,  
RONALD M. GEORGE, AND ALAN I.  
ROTHENBERG'S NOTICE OF MOTION  
AND MOTION TO DISMISS  
COMPLAINT**


Trial Date: None Set

1 Defendants Eric M. George, Ronald M. George, and Alan I. Rothenberg hereby move for  
2 the dismissal of the Complaint filed by Plaintiff Daniel David Dydzak on the basis of lack of  
3 personal jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(2).

4 This Motion is based upon the following Memorandum of Points and Authorities; all  
5 pleadings and papers on file in this action; the declarations of Eric George, Ronald George, and  
6 Alan Rothenberg; the request for judicial notice and its attached exhibits; and such other matters  
7 as may be presented to the court at the time of the hearing, including oral argument.

8  
9  
10 Date: July 1, 2022

11 Respectfully submitted,

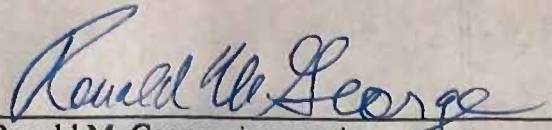
12  
13 By   
14 Eric M. George, *in propria persona*  
15 c/o 2121 Avenue of the Stars, Suite 3000  
16 Los Angeles, California 90067  
17 Tel. (310) 274-7100

18 Date: July 1, 2022

19  
20 By /s/ Alan I. Rothenberg  
21 Alan I. Rothenberg, *in propria persona*  
22 c/o 2121 Avenue of the Stars, Suite 3000  
23 Los Angeles, California 90067  
24 Tel. (310) 274-7100  
25  
26  
27  
28

1 Date: July 1, 2022

2  
3  
4 By



Ronald M. George, *in propria persona*  
c/o 2121 Avenue of the Stars, Suite 3000  
Los Angeles, California 90067  
Tel. (310) 274-7100

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

This lawsuit is the latest iteration of a decade-long effort by Plaintiff, a former attorney, to challenge his disbarment in the State of California. This newest Complaint is once again brought against a host of current and former judges in California's state and federal courts, as well as several California attorneys. The main difference between this Complaint and Plaintiff's previous unsuccessful efforts to overturn his disbarment is that Plaintiff brings this action in the State of Nevada rather than in California.<sup>1</sup> As is clear from the few facts alleged in Plaintiff's Complaint, the conduct forming the basis for his claims took place wholly within California: Plaintiff alleges that defendants engaged in various forms of malfeasance related to his disbarment proceedings in California Supreme Court Case No. S179850. Furthermore, Plaintiff and almost all of the defendants reside or operate in California; only one of the 26 defendants named is alleged to reside in Nevada.<sup>2</sup>

Plaintiff brings this suit in Nevada—based on a single, attenuated connection one of the defendants allegedly has to the State of Nevada—because he is prohibited from making any further attempts to litigate this matter in California. Plaintiff's ongoing efforts to re-litigate his disbarment, and his conduct throughout the many proceedings, resulted in his being declared a vexatious litigant by both California state and federal courts. Thus, it appears that the instant lawsuit is Plaintiff's attempt to circumvent the orders of the California courts by re-litigating his disbarment in a different forum.

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<sup>1</sup> Plaintiff's Complaint was initially filed in the Eighth Judicial District Court of the State of Nevada. The case was then removed to this United States District Court for the District of Nevada on July 24, 2022.

<sup>2</sup> Two of the defendants, Chief Justice of the California Supreme Court Tani Cantil-Sakauye and Clerk of the California Supreme Court Jorge Navarrete, were dismissed from this case on June 3, 2022. (*See* Eighth Judicial District Court Order Granting Defs.' Mot. to Dismiss dated June 3, 2022, Dkt. No. 11). The dismissal was based, in part, on a lack of personal jurisdiction given that they are California residents and that Plaintiff failed to allege any other connection between these defendants and the State of Nevada. (*Id.* at 7-9.) A Notice of Appeal of the Order granting their dismissal was filed on June 8, 2022 (Dkt. No. 13.)



1 It is clear that this Court lacks jurisdiction over Defendants Eric M. George, Ronald M.  
2 George, and Alan I. Rothenberg. Accordingly, Defendants move under Federal Rule of Civil  
3 Procedure 12(b)(2) to dismiss Plaintiff's Complaint.

## 4 **II. STATEMENT OF FACTS**

### 5 **A. THE PARTIES**

6 Plaintiff is a former California attorney who was disbarred in 2008. (*See* Request For  
7 Judicial Notice (RJN), Exhibit A, Opinion on Review and Order In the Matter of Daniel David  
8 Dydzak dated December 3, 2009, Review Department of the State Bar Court, Nos. 04-O-14383;  
9 06-O-10960.) In the ensuing years Plaintiff filed four lawsuits in federal court contesting his  
10 disbarment. (RJN, Exhibit B, Order dated September 25, 2012, *Dydzak v. Cantil-Sakauye*, C.D.  
11 Cal. Case No. C11-5560-JCC, Dkt. No. 35 at 3-7.) Despite having his claims repeatedly  
12 dismissed with prejudice, Plaintiff continued to refile his claims against many of the same  
13 defendants, including numerous federal judges and all of the justices of the California Supreme  
14 Court. (*Id.* at 5.) The United States District Court for the Central District of California eventually  
15 determined that Plaintiff had “abused [the] Court’s process by filing multiple meritless lawsuits  
16 based on the same claims and consistently filing motions to disqualify any judge who rules against  
17 him (as well as countless other judges with whom Plaintiff has had little or no interaction).” (*Id.*  
18 at 7.) The court declared Plaintiff a vexatious litigant, prohibiting him from filing in federal court  
19 any complaint alleging deprivation of rights under 42 U.S.C. § 1983 or *Bivens v. Six Unnamed*  
20 *Agents*, 403 U.S. 388 (1971) related to his disbarment without prior authorization from the  
21 presiding judge. (*Id.* at 10.)

22 The following year, Plaintiff was similarly declared a vexatious litigant by order of the  
23 California Superior Court. (RJN, Exhibit C, Prefiling Order—Vexatious Litigant, *Dydzak v.*  
24 *Dunn*, Cal. Super. Ct. Case No. 30-2012-00558031, at 1.) The California court prohibited Plaintiff  
25 “from filing any new litigation in the courts of California without approval of the presiding judge  
26 of the court in which the action is to be filed.” (*Id.*)

27 Defendants in this action are current and former judges in California state and district  
28 courts and the United States Court of Appeals for the Ninth Circuit, current and former attorneys,

1 and a bank and its holding company. (Compl. ¶¶ 2-25). Defendant Eric M. George is an attorney  
 2 at a Los Angeles-based law firm; Defendant Ronald M. George is a former Chief Justice of the  
 3 California Supreme Court; and Defendant Alan I. Rothenberg is an attorney and Chairman of  
 4 Defendant 1st Century Bank (collectively “Attorney Defendants”).

5 **B. PLAINTIFF’S ALLEGATIONS**

6 **1. Conspiracy Allegations**

7 The third cause of action in Plaintiff’s Complaint is the only claim brought as to the  
 8 Attorney Defendants. Plaintiff alleges that they engaged in a conspiracy to unlawfully interfere  
 9 with the processes of the court, stating that the Attorney Defendants had “improper, unethical and  
 10 illegal ex parte, extra-judicial communications and contacts” with the Honorable Tani G. Cantil-  
 11 Sakauye, current Chief Justice of the California Supreme Court, and Jorge Navarrete, the  
 12 Clerk/Executive Officer of the California Supreme Court—both of whom were also defendants in  
 13 this action. (Compl. ¶¶ 39-40.) Plaintiff contends that these contacts were intended to affect the  
 14 outcome of his disbarment challenge, as part of a conspiracy to obstruct justice. (*Id.* ¶ 39.)  
 15 Plaintiff claims that he suffered damages as a result of Defendants’ alleged actions, and that  
 16 because the acts “were also done with malice, fraud and oppression” he is entitled to an award of  
 17 punitive damages against each Defendant in the amount of \$10,000,000 jointly and severally. (*Id.*  
 18 ¶ 40.)

19 **2. Jurisdictional Allegations**

20 In his Complaint, Plaintiff states that he resides in the County of Los Angeles, California.  
 21 (Compl. ¶ 1.) He alleges that Defendant Eric M. George is a resident of the County of Los  
 22 Angeles, California (*id.* ¶ 12), that Defendant Ronald M. George is a resident of the County of San  
 23 Francisco, California (*id.* ¶ 11), and that Defendant Alan I. Rothenberg is a resident of the County  
 24 of Los Angeles, California (*id.* ¶ 13).

25 Plaintiff’s only mention of the State of Nevada in his Complaint is his allegation that  
 26 Defendant and Ninth Circuit Judge Johnnie B. Rawlinson resides in the City of Las Vegas, “State  
 27 of California [sic].” (*Id.* ¶ 7.) There are no allegations that any activity that forms the basis for the  
 28 lawsuit took place in Nevada, nor that Defendants Eric M. George, Ronald M. George, or Alan I.

1 Rothenberg reside in Nevada or have any connection at all with the state.

2 Plaintiff filed this action on February 3, 2022, in Nevada state court. On June 22, 2022,  
3 the Attorney Defendants filed a Motion to Dismiss Plaintiff's Complaint in that court. On June  
4 24, 2022, several defendants removed the case to this Court based on the federal officer removal  
5 statute, 28 U.S.C. § 1442. The Attorney Defendants' Motion in the state court was subsequently  
6 denied without prejudice upon removal. *See* Minute Order at 2, ECF No. 3. Thus, the Attorney  
7 Defendants hereby refile their Motion in federal court in accordance with Local Rule 81-1 and this  
8 Court's Minute Order dated June 27, 2022.

#### 9 **IV. LEGAL STANDARDS**

10 Pursuant to Federal Rule of Civil Procedure 12(b)(2), a motion to dismiss should be  
11 granted where the Court lacks personal jurisdiction over the defendant. A court's personal  
12 jurisdiction over a defendant, its power to "rend[er] a judgment personally binding him," is based  
13 on its "de facto power over the defendant's person." *Int'l Shoe Co. v. State of Wash.*, 326 U.S.  
14 310, 316 (1945). This power comes either from a defendant's presence within the territory of the  
15 forum or certain minimum contacts he has with it. *Id.* (internal citations omitted). Absent such  
16 "contacts, ties, or relations" to a state, the Due Process Clause does not permit the courts of that  
17 state to issue a binding judgment against a defendant. *Perkins v. Benguet Consol. Min. Co.*, 342  
18 U.S. 437, 447 (1952).

19 "In opposing a defendant's motion to dismiss for lack of personal jurisdiction, the plaintiff  
20 bears the burden of establishing that jurisdiction is proper." *Mavrix Photo, Inc. v. Brand*  
21 *Technologies, Inc.*, 647 F.3d 1218, 1223 (9th Cir. 2011). Where the motion is based on written  
22 materials rather than an evidentiary hearing, the plaintiff must make at least a prima facie showing  
23 of jurisdictional facts. *Id.* The court "may not assume the truth of allegations in a pleading which  
24 are contradicted by affidavit." *Id.*

#### 25 **V. ARGUMENT**

##### 26 **A. Plaintiff is a Vexatious Litigant Seeking a New Forum to Re-open His Claims**

27 A passing glance at even the caption of Plaintiff's Complaint reveals that this is nothing  
28 more than a frivolous lawsuit intended to harass prominent lawyers and judges in California. The

1 defendants include the current and former Chief Justices of the California Supreme Court, ten  
 2 current and senior judges of the United States Court of Appeals for the Ninth Circuit, an Associate  
 3 Justice of the California Court of Appeal, and former judges of the United States District Court for  
 4 the Northern and Central Districts of California.

5 Plaintiff has brought lawsuits against swaths of the legal community over the last ten years,  
 6 alleging that judges, investigators, lawyers, and clerks were variously involved in a conspiracy  
 7 surrounding his disbarment. Indeed, Plaintiff has named Defendant Ronald M. George in multiple  
 8 other lawsuits involving allegations related to his disbarment. *See* RJN, Ex. D, Complaint, *Dydzak*  
 9 *v. George*, Case No. 10-cv-05820-SVW, ECF No. 1 (C.D. Cal. Aug. 5, 2010); *Dydzak v.*  
 10 *Alexander*, Case No. 2:16-cv-02915-ODW, 2016 WL 3094753 (C.D. Cal. June 1, 2016);<sup>3</sup> *Dydzak*  
 11 *v. Schwab*, Case No. 16-cv-04799-YGR, 2016 WL 10647201 (N.D. Cal. Nov. 30, 2016); *Dydzak*  
 12 *v. United States*, Case No. 17-cv-04360-EMC, 2017 WL 4922450 (N.D. Cal. Oct. 31, 2017). In  
 13 the most recent of the aforementioned lawsuits, Plaintiff accused Defendants Eric M. George,  
 14 Ronald M. George, and Alan I. Rothenberg of unlawfully intercepting his telephonic  
 15 communications and improperly paying to influence local judges and attorneys against him.  
 16 These claims were disposed of with prejudice. *Dydzak v. United States*, 2017 WL 4922450, at \*9-  
 17 12. Despite this disposition, Plaintiff brings the instant lawsuit against these same three  
 18 defendants, once again alleging they engaged in “improper,” “illegal” *ex parte* and extrajudicial  
 19 communications as part of a conspiracy against him. (Compl. ¶ 39.)

20 As a result of his prior frivolous and harassing filings relating to his disbarment, Plaintiff  
 21 has been deemed a vexatious litigant in the California courts. He is prohibited from filing in the  
 22 Central District of California any complaint alleging deprivation of rights under 42 U.S.C. § 1983  
 23 or *Bivens v. Six Unnamed Agents*, 403 U.S. 388 (1971) as it relates to his disbarment without prior  
 24 authorization from the presiding judge. (RJN, Ex. B at 10.) This restriction was imposed on  
 25 Plaintiff after he filed four federal lawsuits “replete with frivolous allegations, motions, and  
 26

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27 <sup>3</sup> Defendants are referenced in the *Dydzak v. Alexander* case, although they are not formally  
 28 named as defendants in that complaint.

appeals” and which named as defendants “virtually every sitting judge in the Central District of California.” *Dydzak v. Alexander*, 2016 WL 3094753, at \*2 n. 3.

Plaintiff is also prohibited from filing “any new litigation in the courts of California without approval of the presiding judge of the court in which the action is to be filed.” (RJN, Exhibit C, at 1.) The California Supreme Court has underscored this decision by confirming that it will “no longer consider challenges to [Plaintiff’s] disbarment.” (RJN, Exhibit E, California Supreme Court docket, Case No. S179850, entry dated September 11, 2019.)

Thus, it is clear that Plaintiff long ago exhausted his opportunities to challenge his disbarment, has repeatedly attempted to relitigate that challenge in California, and now, having been barred from doing so, is looking to start again in Nevada.

#### **B. Personal Jurisdiction Does Not Exist as to Any Defendant**

Plaintiff cannot establish personal jurisdiction over Defendants Eric M. George, Ronald M. George, or Alan I. Rothenberg. “Federal courts ordinarily follow state law in determining the bounds of their jurisdiction over persons.” *Daimler AG v. Bauman*, 571 U.S. 117, 125 (2014). Personal jurisdiction over a defendant in federal court is considered proper “if it is permitted by a long-arm statute and if the exercise of that jurisdiction does not violate federal due process.” *Pebble Beach Co. v. Caddy*, 453 F.3d 1151, 1154-55 (9th Cir. 2006). Under Nevada’s long-arm statute, its courts may exercise personal jurisdiction over out-of-state defendants if consistent with “the Constitution of the United States.” (Nev. Rev. Stat. § 14.065.) Thus, in order to determine whether Nevada may exercise jurisdiction over the Attorney Defendants, the court must determine whether the exercise of such jurisdiction “comports with the limits imposed by federal due process” on the State of Nevada. *Walden v. Fiore*, 571 U.S. 277, 283 (2014) (quoting *Daimler*, 571 U.S. at 125). Due process requires, if a Defendant is outside the forum state, that “he have certain minimum contacts with [the forum state] such that the maintenance of the suit does not offend ‘traditional notions of fair play and substantial justice.’” *Int’l Shoe Co.*, 326 U.S. at 316 (quoting *Milliken v. Meyer*, 311 U.S. 457, 463 (1940)).

In determining whether exercising personal jurisdiction over a defendant offends due process, courts examine whether general or specific jurisdiction exists under the circumstances.

1 *Helicopteros Nacionales de Colombia, S.A. v. Hall*, 466 U.S. 408, 414-16 (1984). Here, neither is  
 2 applicable because Plaintiff has not and cannot show that Defendants reside in Nevada or have  
 3 sufficient (or any) contacts there, nor that any of the activity forming the basis of his claims took  
 4 place in Nevada. Therefore, Plaintiff's Complaint should be dismissed as to Defendants Eric M.  
 5 George, Ronald M. George, and Alan I. Rothenberg for want of personal jurisdiction.

6 **i. General Jurisdiction Over Defendants is Improper in this Court**

7 In order for this Court to exercise general personal jurisdiction over a defendant, the  
 8 defendant must be domiciled in Nevada. *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564  
 9 U.S. 915, 924 (2011). If a defendant is not domiciled in Nevada, general personal jurisdiction  
 10 may also be appropriate where a defendant's contacts with the forum are so "continuous and  
 11 systematic" that the exercise of jurisdiction over him could be considered "reasonable and just."  
 12 *Helicopteros Nacionales de Colombia, S.A. v. Hall*, 466 U.S. 408, 415-16 (1984) (citing *Perkins v.*  
 13 *Benguet Consol. Mining Co.*, 342 U.S. 437, 438, 445 (1952)). "To determine whether a  
 14 nonresident defendant's contacts are sufficiently substantial, continuous, and systematic, [the  
 15 Ninth Circuit] consider[s] their '[l]ongevity, continuity, volume, economic impact, physical  
 16 presence, and integration into the state's regulatory or economic markets.'" *CollegeSource, Inc. v.*  
 17 *AcademyOne, Inc.*, 653 F.3d 1066, 1074 (9th Cir. 2011) (quoting *Tuazon v. R.J. Reynolds Tobacco*  
 18 *Co.*, 433 F.3d 1163, 1172 (9th Cir. 2006)). "The standard for general jurisdiction 'is an exacting  
 19 standard, as it should be, because a finding of general jurisdiction permits a defendant to be haled  
 20 into court in the forum state to answer for any of its activities anywhere in the world.'" *CollegeSource*, 653 F.3d at 1074 (internal citations omitted).

22 There is no evidence or even any allegations to support general jurisdiction in Nevada.  
 23 The Attorney Defendants all reside in California, have never resided in Nevada, and conduct no  
 24 substantial business at all in Nevada. (See Declaration of Eric M. George in Support of  
 25 Defendants' Motion to Dismiss Complaint ("E. George Decl.") ¶ 2; Declaration of Ronald M.  
 26 George in Support of Defendants' Motion to Dismiss Complaint ("R. George Decl.") ¶ 2;  
 27 Declaration of Alan I. Rothenberg in Support of Defendants' Motion to Dismiss Complaint  
 28 ("Rothenberg Decl.") ¶ 2, all filed concurrently herewith.) Plaintiff's Complaint likewise

1 confirms that general jurisdiction does not exist. Plaintiff himself alleges that Eric M. George,  
 2 Ronald M. George, and Alan I. Rothenberg are residents of the State of California. (Compl. at ¶¶  
 3 11-13). The Complaint makes no mention of these defendants residing in Nevada or having any  
 4 other contact in Nevada, let alone “substantial” or “continuous and systematic” contacts.  
 5 Additionally, the alleged conduct that forms the basis of Plaintiff’s claims against Defendants took  
 6 place in California; his allegations concern a California Supreme Court decision affirming the  
 7 California State Bar’s decision to withdraw Plaintiff’s license to practice law in California.  
 8 (Compl. at ¶ 39.) The only alleged connection that any defendant or this lawsuit has with the State  
 9 of Nevada is Plaintiff’s assertion that another of the defendants, Judge Johnnie Rawlinson, resides  
 10 there. (Compl. ¶ 7.) This single allegation is insufficient to establish personal jurisdiction over  
 11 Defendants Eric M. George, Ronald M. George, and Alan I. Rothenberg. Thus, general personal  
 12 jurisdiction over these Defendants has not been established and dismissal is proper under Federal  
 13 Rule of Civil Procedure 12(b)(2).

14 **ii. Specific Jurisdiction Over Defendants is Also Improper in this Court**

15 Plaintiff likewise cannot establish specific jurisdiction over any of the Defendants.  
 16 Specific jurisdiction is appropriate where, although “the defendant’s activities are not so pervasive  
 17 as to subject him to general jurisdiction . . . the nature and quality of the defendant’s contacts [with  
 18 the forum state] in relation to the cause of action” make the court’s exercise of jurisdiction fair.  
 19 *Data Disc, Inc. v. Sys. Tech. Associates, Inc.*, 557 F.2d 1280, 1287 (9th Cir. 1977).

20 The test for whether personal jurisdiction is proper over an out-of-state defendant based  
 21 upon his contacts with the forum state is as follows:

- 22 (1) [t]he nonresident defendant must do some act or consummate some  
 23 transaction with the forum or perform some act by which he purposefully  
 24 avails himself of the privilege of conducting activities in the forum, thereby  
 25 invoking the benefits and protections of its laws. (2) the claim must be one  
 which arises out of or results from the defendant’s forum-related activities.  
 (3) Exercise of jurisdiction must be reasonable.

26 *Data Disc*, 557 F.2d at 1287 (citing *Amba Mktg. Sys., Inc. v. Jobar Int’l, Inc.*, 551 F.2d 784, 789  
 27 (9th Cir. 1977)). “If any of the three requirements is not satisfied, jurisdiction in the forum would  
 28



1 deprive the defendant of due process of law.” *Omeluk v. Langsten Slip & Batbyggeri A/S*, 52 F.3d  
 2 267, 270 (9th Cir. 1995).

3       There are likewise no facts or evidence to establish specific jurisdiction for any of the  
 4 Attorney Defendants. First, there is no evidence or even any allegations of any of them  
 5 purposefully availing themselves of the forum state; in fact, Plaintiff’s complaint makes no  
 6 mention of any activity by any of these defendants that is associated with the State of Nevada at  
 7 all. (Compl. ¶¶ 38-40; E. George Decl. ¶ 2; R. George Decl. ¶ 2; Rothenberg Decl. ¶ 2.) Second,  
 8 the cause of action (conspiracy to unlawfully interfere with the processes of the court) did not arise  
 9 from the Attorney Defendants’ activities in Nevada. Rather, it arose from their alleged activity  
 10 surrounding a California Supreme Court case, which itself concerned a California State Bar  
 11 decision recommending the withdrawal Plaintiff’s license to practice law in California. The  
 12 communications that make up the alleged conspiracy are between California-based Defendants  
 13 and the Chief Justice and Clerk of the California Supreme Court. Plaintiff makes no other  
 14 allegations that this cause of action arose from any activities in the forum state. Finally, because  
 15 there exist no allegations of activities in the forum state, and Plaintiff’s claim does not arise from  
 16 forum-related activities, it follows that the exercise of jurisdiction over the Attorney Defendants in  
 17 Nevada would not be reasonable.

18       Thus, Plaintiff has clearly failed to meet any element of the test for specific jurisdiction. It  
 19 remains that the only allegation in his Complaint related to the State of Nevada is that Judge  
 20 Rawlinson resides there. But as the U.S. Supreme Court has made clear, “considering the  
 21 ‘defending parties’ together and aggregating their forum contacts in determining whether [a court]  
 22 had jurisdiction” is “plainly unconstitutional” because the requirements of *International Shoe* must  
 23 be met as to each defendant. *Rush v. Savchuk*, 444 U.S. 320, 331-32 (1980) (holding that  
 24 Minnesota could not exercise jurisdiction over a defendant who had no ties to the state merely  
 25 because the insurer responsible for defending him did business in that state). To that end, the  
 26 Nevada state court has already determined that Judge Rawlinson’s alleged connection to Nevada  
 27 does not itself establish personal jurisdiction over the other defendants in this matter. (See Eighth  
 28 Judicial District Court of Nevada Order Granting Defendants Chief Justice Cantil-Sakauye and



1 Jorge Navarrete's Motion to Dismiss dated June 2, 2022 at 8-9, ECF No. 1-3.) Accordingly, there  
2 is no basis for specific jurisdiction over Defendants Eric M. George, Ronald M. George, and Alan  
3 I. Rothenberg and the claims against them should be dismissed.


4 **VI. CONCLUSION**

5 It is clear based on the content of Plaintiff's Complaint, and his status as a vexatious  
6 litigant in California courts, that Plaintiff is merely seeking another forum in which to continue  
7 bringing frivolous and harassing claims regarding his disbarment. Plaintiff has failed to meet his  
8 burden of making a prima facie showing that this Court can exercise personal jurisdiction over  
9 Defendants Eric M. George, Ronald M. George, and Alan I. Rothenberg. Therefore, in  
10 accordance with the foregoing, Defendants respectfully request that the Court dismiss them from  
11 the action due to want of jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(2).

12  
13 Date: July 1, 2022

14 Respectfully submitted,

15  
16 By

  
Eric M. George, *in propria persona*  
c/o 2121 Avenue of the Stars, Suite 3000  
Los Angeles, California 90067  
Tel. (310) 274-7100

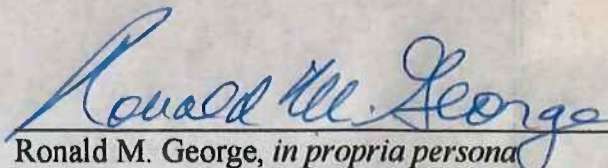
17  
18  
19  
20 Date: July 1, 2022

21  
22  
23 By

/s/ Alan I. Rothenberg  
Alan I. Rothenberg, *in propria persona*  
c/o 2121 Avenue of the Stars, Suite 3000  
Los Angeles, California 90067  
Tel. (310) 274-7100

1 Date: July 1, 2022  
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By



Ronald M. George, *in propria persona*  
c/o 2121 Avenue of the Stars, Suite 3000  
Los Angeles, California 90067  
Tel. (310) 274-7100

AttyDefsSER-054

1 Eric M. George  
Ronald M. George  
2 Alan I. Rothenberg  
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Telephone: (310) 274-7100  
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5

Defendants *in propria persona*  
6 Eric M. George, Ronald M. George, and Alan I.  
Rothenberg  
7

8  
9 UNITED STATES DISTRICT COURT  
10 DISTRICT OF NEVADA

11 DANIEL DAVID DYDZAK,  
12  
Plaintiff,  
13  
vs.  
14 TANI CANTIL-SAKAUYE, et al.,  
15  
Defendant.  
16

Case No. 2:22-cv-01008-APG-VCF

The Hon. Andrew P. Gordon

**DECLARATION OF ERIC M. GEORGE  
IN SUPPORT OF DEFENDANTS ERIC M.  
GEORGE, RONALD M. GEORGE, AND  
ALAN I ROTHENBERG'S MOTION TO  
DISMISS COMPLAINT**

Trial Date: None Set

**DECLARATION OF ERIC M. GEORGE**

I, Eric M. George, declare and state as follows:

1. I am an attorney at law admitted to practice in the State of California. I am representing myself *in propria persona* in this action. I have firsthand, personal knowledge of the facts set forth below and if called as a witness could competently testify thereto.

2. I reside in the County of Los Angeles, California. I do not maintain a residence in the State of Nevada, and I have never lived in the State of Nevada. I am not, nor have I ever been, licensed to practice law in the State of Nevada. I do not conduct any substantial business in the State of Nevada. I did not have substantial contact with the State of Nevada at the time of Plaintiff's disbarment, nor have I had such contacts in the intervening years since. I am unaware of any relationship between the State of Nevada and the facts underlying this lawsuit (with the exception that one of the defendant-judges named in this lawsuit allegedly resides in Nevada). This lawsuit does not arise from any conduct or contact, personal or professional, that I have ever had with the State of Nevada.

3. Attached hereto as **Exhibit A** is a true and correct copy of the Opinion on Review and Order In the Matter of Daniel David Dydzak dated December 3, 2009, Review Department of the State Bar Court, Nos. 04-O-14383; 06-O-10960.

4. Attached hereto as **Exhibit B** is a true and correct copy of the Order dated September 25, 2012 in the matter of *Dydzak v. Cantil-Sakauye*, C.D. Cal. Case No. C11-5560-JCC, Dkt. No. 35.

5. Attached hereto as **Exhibit C** is a true and correct copy of the Prefiling Order—Vexatious Litigant dated April 5, 2013 in the matter of *Dydzak v. Dunn*, Cal. Super. Ct. Case No. 30-2012-00558031.

6. Attached hereto as **Exhibit D** is a true and correct copy of the Complaint in the matter of *Dydzak v. George*, Case No. 10-cv-05820-SVW, Dkt. No. 1 (C.D. Cal. Aug. 5, 2010).

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1           7.       Attached hereto as **Exhibit E** is a true and correct copy of the docket for California  
2 Supreme Court Case No. S179850.

3           Executed this 1<sup>st</sup> day of July 2022, at Los Angeles, California.

4           I declare under penalty of perjury under the laws of the United States of America that the  
5 foregoing is true and correct.

6 

7  
8 Eric M. George

# Exhibit A

Opinion on Review and Order In the  
Matter of Daniel David Dydzak dated  
December 3, 2009, Review Department  
of the State Bar Court, Nos. 04-O-14383;  
06-O-10960

**PUBLIC MATTER – NOT DESIGNATED FOR PUBLICATION**

**Filed December 3, 2009**

**REVIEW DEPARTMENT OF THE STATE BAR COURT**

In the Matter of	)	Nos. <b>04-O-14383; 06-O-10960</b>
	)	
<b>DANIEL DAVID DYDZAK,</b>	)	<b>OPINION ON REVIEW</b>
	)	<b>AND ORDER</b>
A Member of the State Bar.	)	
_____	)	

BY THE COURT:<sup>1</sup>

This is Daniel David Dydzak's fifth disciplinary proceeding in less than 10 years. In 1998, he was suspended for 30 days for wide-ranging misconduct in five client matters, including failure to: promptly pay client funds, maintain client trust account funds, communicate with a client, return client files, return unearned fees, and cooperate with the State Bar investigation. He received a private reproof in 2002 when he neglected to report \$3,500 in sanctions for filing a frivolous appeal. Also in 2002, Dydzak was publicly reproofed for failure to show respect for the court by making a scurrilous remark about a judge while leaving the courtroom. In 2004, he received a one-year stayed suspension and two years' probation for engaging in the unauthorized practice of law (UPL) while on suspension from his first discipline.

In this proceeding, the hearing judge recommended disbarment after finding Dydzak culpable of serious professional misconduct in four separate matters. Dydzak is appealing, asserting a plethora of procedural, substantive and constitutional issues.<sup>2</sup>

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<sup>1</sup> Before Remke, P. J., Epstein, J. and Purcell, J.

<sup>2</sup> Dydzak filed no less than 21 pleadings in the Hearing Department, the Review Department and the Supreme Court, all of which were denied. Those pleadings raised the same

Dydzak's latest misconduct reflects a lack of understanding of his professional responsibilities, even after prior disciplines should have motivated him to reflect upon, and conform to, the ethical parameters of the legal profession. Upon our de novo review (*In re Morse* (1995) 11 Cal.4th 184, 207), we find clear and convincing evidence supporting the hearing judge's culpability findings, as well as additional culpability and aggravation. We conclude that Dydzak should be disbarred because additional discipline will not adequately protect the public.

### **I. PROCEDURAL HISTORY**

Dydzak was admitted to the practice of law in California on December 17, 1985, and he has been a member of the State Bar of California since then. On August 11, 2006, the Office of the Chief Trial Counsel of the State Bar of California (State Bar) filed a notice of disciplinary charges (NDC) in case numbers 04-O-14383, 05-O-00017 and 05-O-02000. On December 27, 2006, it filed another NDC in case number 06-O-10960. The matters were consolidated, and Dydzak was charged with a combined total of 11 counts of misconduct. The case was tried on July 24-25, 2007, and submitted on October 25, 2007. The decision was filed on August 5, 2008.<sup>3</sup>

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procedural and constitutional issues that he resurrects in this plenary appeal. Any issues not specifically addressed here have been considered and rejected as moot or without factual and/or legal basis.

<sup>3</sup> Rule 220(b) of the Rules of Procedure of the State Bar of California specifies that the decision should be filed within 90 days of submission, but the rule "is neither mandatory nor jurisdictional, but directory." (*In the Matter of Petilla* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 231, 246.) Nevertheless, adherence to the rule is important because it serves the dual purpose of public protection when a respondent is culpable of misconduct and prompt vindication of a respondent's professional reputation when no culpability is found.



## **II. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

### **A. CASE NUMBER 04-O-14383**

#### **1. LaFlamme Matter**

Thomas LaFlamme hired Dydzak to substitute as his attorney of record in a civil lawsuit that LaFlamme had filed in the Los Angeles County Superior Court. After Dydzak presented LaFlamme's case, the court granted the defendant's motion for a non-suit as to all causes of action. On September 23, 2003, the Superior Court judge signed and filed an order directing that judgment be entered in favor of the defendant.

On November 20, 2003, Dydzak filed a notice of appeal with an incomplete Case Information Statement (CIS) in the Court of Appeal. On January 4, 2004, the Court of Appeal returned the CIS to Dydzak because he failed to attach a copy of the Superior Court's order, and instructed him to file a corrected CIS by February 18, 2004. Dydzak then filed three separate applications for extensions of time. In its order granting Dydzak's third request for additional time, the Court of Appeal again directed him to file a completed "Case Information Sheet, with the appealable order" no later than May 6, 2004.

Instead of timely filing the completed CIS as ordered by the Court of Appeal, Dydzak filed a pleading on May 13, 2004, entitled "Plaintiff's/Appellant's Notice of Abandoning Appeal Without Prejudice to Refile New Notice of Appeal Once Judgment is Entered."<sup>4</sup> He then waited six more months to file a motion for entry of judgment in the Superior Court.<sup>5</sup> Before Dydzak

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<sup>4</sup> Dydzak claims that during the entire time he was attempting to perfect LaFlamme's appeal, he was unaware that the Superior Court had filed its order directing entry of judgment on September 23, 2003. When asked why he did not simply go to the Superior Court to ascertain if the order had been filed or to obtain an endorsed-filed copy of the final order to attach to the CIS, he stated: "Well, I don't believe . . . that I am required to have such a heavy burden to visit the court file."

<sup>5</sup> It appears that the clerk of the court did not officially enter the judgment in the records until December 8, 2004, after Dydzak filed the motion for entry of judgment.

had time to file a second notice of appeal, LaFlamme terminated him on December 30, 2004. At that point, the filing of LaFlamme's appeal had been delayed for more than a year.

**Count 1 – Failure to Perform Competently (Rules Prof. Conduct, rule 3-110(A))<sup>6</sup>**

Rule 3-110(A) provides that an attorney must “not intentionally, recklessly, or repeatedly fail to perform legal services with competence.” Despite numerous orders of the Court of Appeal requiring him to file a completed CIS “with the appealable order,” Dydzak made no effort to do so within the time specified by the Court of Appeal. His failure to perfect his client's appeal, which languished for more than a year, clearly constitutes a failure to perform with competence.

**2. The Cofield Matter**

On November 30, 2001, Brad and Maria Cofield, husband and wife, hired Dydzak to file a lawsuit against their former business associates. The Cofields verbally agreed to a contingency agreement and gave Dydzak \$1,500 as a retainer and cost advance with the remaining costs to be deducted from any recovery. Six months later, on May 30, 2002, Dydzak filed a complaint in the Los Angeles County Superior Court. On November 27, 2002, he filed a first amended complaint.

A year and a half after the Cofields retained him, Dydzak sent them a letter on June 10, 2003, stating that they needed to sign a contingent fee agreement and to advance an additional \$1,000 “to continue on the case, and for both of you to agree in writing that all costs incurred in the case . . . will be paid by both of you.” Dydzak concluded by stating: “If both of you will not agree to [these two] foregoing [conditions], I respectfully request that you substitute me out of the case. If not, I will file a motion to withdraw shortly.” The Cofields refused to sign an

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<sup>6</sup>Unless otherwise indicated, all further references to rules are to these Rules of Professional Conduct of the State Bar.

agreement or pay the additional costs, stating in a letter dated August 4, 2003: “This is not the agreement we made when you took the case.” Their letter also criticized Dydzak’s handling of the case. Despite his previous statement, Dydzak did not file a motion to withdraw.

Dydzak failed to appear at the Cofields’ final status conference on January 8, 2004, at which the Superior Court set a trial date of January 20, 2004, and issued an order to show cause (OSC) why Dydzak should not be sanctioned for his failure to appear. Dydzak had actual notice of the OSC hearing, which was scheduled for the same date as the trial. On January 20, 2004, Dydzak did not appear. The Cofields were present, however, and only then learned from the Superior Court judge that Dydzak had filed a request for dismissal on January 15, 2004. According to Dydzak, the Cofields authorized him to settle and dismiss the case in exchange for a waiver of costs. The Cofields credibly testified that they never gave Dydzak permission to settle or dismiss their lawsuit.<sup>7</sup> They paid subsequent counsel approximately \$18,000 to vacate the dismissal of their case. Eventually, the Cofields represented themselves at trial, obtaining a partial verdict in their favor.

### **Count 2 – Failure to Perform Competently (Rule 3-110(A))**

Dydzak willfully violated rule 3-110(A) by failing to appear at the final status conference, and by settling and dismissing the Cofields’ case without their consent. And he did so without any assurance that the Cofields’ interests were protected. Although his settlement and dismissal of the Cofields’ case without their authority constitute a failure to perform with competence, as charged in Count 2, this conduct is more appropriately charged in Count 3 as

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<sup>7</sup> The Cofields’ testimony was corroborated by a declaration by Dydzak filed in the Superior Court in support of the motion to vacate the dismissal in which he attested, under penalty of perjury: “This case was dismissed based upon mistake, inadvertence and excusable neglect on my part due to the that that I was under the mistaken impression that my clients, Brad Cofield and Maria Cofield, authorized me to dismiss the case because of their unavailability and their lack of financial resources to prosecute the case through trial. In hindsight, my impression was incorrect. . . .” (Emphasis in the original.)

moral turpitude. Accordingly, we dismiss this count with prejudice as duplicative. (*Bates v. State Bar* (1990) 51 Cal.3d 1056, 1060 [duplicate allegations of misconduct serve little, if any, purpose in State Bar proceedings.]

### **Count 3 – Moral Turpitude (Business and Professions Code Section 6106)<sup>8</sup>**

The hearing judge found that Dydzak willfully violated section 6106 when he settled and then dismissed the Cofields’ case without their consent. We agree. The overreaching involved in resolving a lawsuit without the client’s approval constitutes a deliberate breach of a fiduciary duty owed to the client and involves moral turpitude per se. (*In the Matter of Kittrell* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 195, 208.)

### **3. The Sylver Matter**

In 2003, Dydzak represented Marshall Sylver and Sylver Enterprises, Inc. (collectively the Sylver defendants) in a lawsuit in the U. S. District Court for the Central District of California. Dydzak filed an opposition to the plaintiff’s motion to strike the Sylver defendants’ pleadings on October 3, 2003, and attached a supporting declaration, attesting under penalty of perjury that he was “duly admitted to practice law before all of the Courts of the State of California.” On October 20, 2003, he appeared at the hearing on the motion to strike. At the time Dydzak filed the pleadings and appeared at the hearing, he was suspended from the practice of law for failure to pay costs in a prior disciplinary matter.

### **Count 4 – Unauthorized Practice of Law/Holding Out as Entitled to Practice (§§ 6068, subd. (a), 6125, and 6126)**

The hearing judge, citing *Benninghoff v. Superior Court* (2006) 136 Cal.App.4<sup>th</sup> 61, dismissed Count 4 because he found that Dydzak may not be disciplined based on his conduct in federal court either for UPL or for holding himself out under sections 6125 or 6126. Under the

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<sup>8</sup> Unless otherwise indicated, all further statutory references are to the Business and Professions Code. Section 6106 makes the commission “of any act involving moral turpitude, dishonesty or corruption . . . a cause for disbarment or suspension.”

facts of this case, we agree with the hearing judge that Dydzak may not be disciplined under section 6125, even though he practiced law in the federal court while he was suspended by the State Bar. (*Surrick v. Killion* (3d Cir. 2006) 449 F.3d 520, 530-531 [suspension from membership from a state bar does not necessarily lead to disqualification from a federal bar]; cf. *In the Matter of Wells* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 896, 902-903 [discipline may be imposed for UPL in federal court when matter involves settlement of state law claims].)

However, section 6126 is broader than section 6125 and prohibits an attorney who is suspended by the State Bar from holding himself out as entitled to practice in California. We find Dydzak culpable of a violation of section 6126 for representing in his declaration filed in the federal court that he was duly admitted to practice before all California courts. While we do not seek to restrict or assume jurisdiction over Dydzak's practice before the federal courts, the California Supreme Court may discipline a practitioner for acts committed in federal court that " ' reflect on his integrity and fitness to enjoy the rights and privileges of an attorney' " in California. (*In the Matter of Gadda* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 416, 420, citations omitted.) "Barring the [s]tates from disciplining their bar members based on misconduct occurring in federal court would lead to the unacceptable consequence that an attorney could engage in misconduct at will in one federal district without jeopardizing the state-issued license that facilitates the attorney's ability to practice in other federal and state venues." (*Canatella v. California* (9<sup>th</sup> Cir. 2005) 404 F.3d 1106, 1110-1111.) We thus find Dydzak culpable of violating a California Supreme Court order that prohibited him from holding himself out as entitled to practice law in California in violation of section 6126.

## **B. CASE NUMBER 06-O-10960**

### **1. The Thronson Matter**

On March 24, 2003, Frances Thronson retained Dydzak to represent her in a personal injury case against Trader Joe's. Shortly thereafter, she gave him \$250 for fees and costs. In

April 2003, Dydzak told Thronson that he would file a complaint within five to seven days and send her a copy once he had filed it. Thronson called five or six times during the following weeks, asking Dydzak's assistant for a copy of the complaint.

In May 2003, Dydzak left a voicemail message for Thronson falsely stating that he had filed "papers" against Trader Joe's. In fact, he did not file the complaint until one year later in May 2004. In the meantime, he repeatedly evaded Thronson's continued requests for a copy of the complaint and for a status conference, all the while professing that the complaint had been filed. Finally, Dydzak met with Thronson on May 7, 2004, the date Dydzak actually filed the complaint. He still did not provide a copy of the complaint, leaving her to believe that he had filed it the previous year as he had assured her. At the May 7, 2004, meeting, Thronson signed a retainer agreement with Dydzak.

On September 7, 2004, Dydzak failed to appear at a case management conference (CMC) in Thronson's case. The Superior Court issued an OSC directing Dydzak to file a declaration no later than October 1, 2004, showing why Thronson's case should not be dismissed for his failure to (1) appear at the CMC, (2) file proof of service of the complaint, (3) comply with the California Rules of Court regarding CMCs, and (4) timely prosecute her case. The court set the OSC hearing for October 7, 2004. Dydzak filed his declaration in response to the OSC four days late on October 5, 2004, and then failed to appear at the hearing. As a result, the Superior Court dismissed Thronson's case on October 7, 2004. Dydzak did not inform Thronson that her case had been dismissed, let alone the reasons for the dismissal.

Dydzak waited more than five months to file a motion to set aside the dismissal, which the Superior Court denied in April 2005. He then filed a motion for reconsideration, which the court denied in July 2005. On October 25, 2005, Dydzak filed a notice of appeal and -- more than a year after the dismissal -- he finally advised Thronson that her case had been dismissed by

the Superior Court. Even then, he neglected to disclose the reasons for the dismissal. On December 8, 2005, the Court of Appeal filed an order dismissing the appeal because Thronson was in default.

On January 17, 2006, Thronson sent a letter to Dydzak detailing the history of their association and indicating that she “would be willing to call it quits if [she] received \$10,000 in compensation for a variety of ills. I could then let the matter go.” Dydzak responded by letter on January 26, 2006, falsely stating that he had previously advised her of the Court of Appeal’s dismissal. He further falsely claimed that “I explained to you that the costs [to set aside the dismissal] were expensive. You failed to timely remit to me required monies for said appeal, resulting in the dismissal of the appeal.” Dydzak insisted in his letter that Thronson send him \$800 to cover costs so that he could “pursue the appeal by moving to reinstate same.” He also stated that he had previously informed Thronson that she “had major difficulties of proof in [her] case.” Thronson credibly testified that she was never advised about the cost of appeal or that her case lacked merit. In his January 26 letter, Dydzak did not advise her that the deadline to seek reinstatement had already expired on December 23, 2005, or that the Court of Appeal’s order dismissing the appeal was final as of January 16, 2006.

#### **Count 1 – Failure to Perform Competently (Rule 3-110(A))**

Without question, Dydzak willfully violated rule 3-110(A) when he repeatedly failed to competently perform legal services for Thronson. His disregard of his fiduciary duty to protect her interests, as detailed above, was egregious.

#### **Counts 2, 3, 4 and 5 -- Moral Turpitude (§ 6106)**

Dydzak’s many misrepresentations to Thronson about the status of her case, as set forth in Counts 2, 3, 4, and 5, constitute moral turpitude in violation of section 6106. His statements involved both affirmative misrepresentations (e.g., his repeated claims that he had filed the

complaint against Trader Joe's), and nondisclosures (e.g., his repeated failure to inform Thronson of the dismissals by the Superior Court and the Court of Appeal and the reasons for the dismissals). In finding moral turpitude, “ ‘[n]o distinction can . . . be drawn among concealment, half-truth, and false statement of fact. [Citation.]’ [Citation.]” (*In the Matter of Chesnut* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 166, 174.) In the interest of economy, all of Dydzak's misrepresentations could have been properly charged as one count, but we nevertheless find that each violation of section 6106 set forth in counts 2, 3, 4, and 5 was established by clear and convincing evidence.

#### **Count 6 – Failure to Advise of Significant Developments (§ 6068, subd. (m))**

Dydzak willfully violated section 6068, subdivision (m), which requires that attorneys keep their clients advised of significant developments. He failed to timely tell Thronson about the dismissal of her case, the reasons for that dismissal, and the consequences of the dismissal of her appeal. However, the hearing judge correctly gave no additional weight for the violation of section 6068, subdivision (m) because Dydzak's failure to inform Thronson was a basis for establishing culpability for misrepresentation in Counts 2, 3, 4, and 5. Therefore, Count 6 is dismissed as duplicative. (*Bates v. State Bar*, *supra*, 51 Cal.3d at p. 1060.)

#### **Count 7 – Failure to Respond to Client's Inquiries (§ 6068, subd. (m))**

We find clear and convincing evidence that Dydzak willfully violated section 6068, subdivision (m), which requires attorneys to promptly respond to reasonable client inquiries. He repeatedly failed to promptly respond to numerous reasonable status inquiries from Thronson during a two-and-one-half-year period from May 2003 through June 2006.

### **III. MITIGATING AND AGGRAVATING CIRCUMSTANCES**

#### **A. MITIGATION**

Dydzak bears the burden of proving mitigating circumstances by clear and convincing evidence. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std.



1.2(e).)<sup>9</sup> To establish his good character as a mitigating circumstance, Dydzak presented testimony from two former clients. (Std. 1.2(e)(vi).) He also introduced into evidence declarations from nine individuals (two attorneys, four clients, and Dydzak's mother, brother, and wife). However, the value of their statements is reduced for lack of specificity that they adequately understood the nature of Dydzak's current wrongdoing and/or the extent of his prior record of discipline. Therefore, we find this factor is entitled to minimal weight in mitigation.

## **B. AGGRAVATION**

The State Bar bears the burden of proving aggravating circumstances by clear and convincing evidence. (Std. 1.2(b).)

### **1. Prior Record of Discipline**

Dydzak has been previously disciplined four times, which is an extremely serious aggravating circumstance. It is all the more so because certain aspects of Dydzak's present misconduct echo his prior misconduct, particularly his failure to communicate and his abdication of responsibility to clients. (Std. 1.2(b)(i).)

### **2. Multiple Acts**

We have found Dydzak culpable of numerous counts of misconduct in four separate matters. Such multiple acts of misconduct constitute an aggravating circumstance. (Std. 1.2(b)(ii).)

### **3. Significant Harm**

Dydzak's misconduct caused significant harm in two separate client matters. The Cofields had to hire two attorneys at a total cost of \$18,000 to set aside the dismissal of their case. Thronson not only lost her cause of action against Trader Joe's, she lost the opportunity to

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<sup>9</sup> All further references to standards are to this source.

be reimbursed approximately \$2,800 for her medical expenses, which the insurance company initially offered but which Dydzak told her to reject in favor of filing a lawsuit. (Std. 1.2(b)(iv).)

#### **4. Dishonesty and Overreaching**

The hearing judge was unwilling to consider as aggravation that Dydzak's misconduct was surrounded by bad faith, dishonesty, and concealment under standard 1.2 (b)(iii). The judge deemed it duplicative of the facts relied upon in establishing Dydzak's culpability for moral turpitude. We agree. (See, e.g., *In the Matter of Chesnut*, *supra*, 4 Cal. State Bar Ct. Rptr. 166, 176.) However, standard 1.2 (b)(iii) also proscribes overreaching, which we find here as aggravating conduct due to Dydzak's attempt to renegotiate his fee agreement with the Cofields by threatening to withdraw a year and a half after commencing litigation on their behalf. (*In the Matter of Shalant* (Review Dept. 2005) 4 Cal. State Bar Ct. Rptr. 829, 837-838 [coercive renegotiation of fees after commencement of trial constituted moral turpitude].)

#### **5. Lack of Insight and Remorse**

Dydzak fails to demonstrate any remorse for his wrongdoing and instead continues to assert that his clients and others are responsible for his misconduct. (Std. 1.2(b)(v).) This is a significant factor in aggravation. During the past decade, he has been disciplined four times, yet, incredibly, he complains in his brief on appeal that "[p]rior to this proceeding no [State] Bar attorney nor the Enforcement Unit [of the State Bar] ever explained to Dydzak the he could risk disbarment or severe discipline if there were disciplinary proceedings in the future against him."

"The law does not require false penitence. [Citation.] But it does require that the respondent accept responsibility for his acts and come to grips with his culpability. [Citation.]" (*In the Matter of Katz* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 502, 511.) Dydzak has failed to do this.

#### IV. DISCUSSION

The purpose of State Bar disciplinary proceedings is not to punish the attorney, but to protect the public, to preserve public confidence in the profession and to maintain the highest possible professional standards for attorneys. (Std. 1.3; *Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.) In determining the appropriate level of discipline, we look to the standards for guidance, although we do not apply them in a talismanic fashion. (*In the Matter of Van Sickle* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 994.) We also look to decisional law for additional guidance. (*Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310-1311.)

Standard 1.6(a) provides that, when two or more acts of misconduct are found in a single disciplinary proceeding and different sanctions are prescribed for those acts, the recommended sanction is to be the most severe of them. The most severe standard applicable here is standard 1.7(b), which provides that the degree of discipline for an attorney with two or more prior records of discipline shall be disbarment unless the most compelling mitigating circumstances clearly predominate.

We recognize that despite the unequivocal language of standard 1.7(b), disbarment has not been imposed in every instance where a respondent has a prior history of two or more disciplines. But we generally follow standard 1.7(b) where there is a “repeated finding of culpability of the same offense, or continuing misconduct of increasing severity.” (*In the Matter of Trousil* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 229, 241.)

We can find no justification here for a departure from standard 1.7(b). Dydzak seriously compromised the rights of his clients and engaged in acts of moral turpitude, including making significant misrepresentations to his clients. His misconduct is extremely serious and threatens the public because it has not only continued unabated during his decade-long involvement with the State Bar disciplinary system, but it has been increasing in severity.

The reasons for our disbarment recommendation in *In the Matter of Shalant, supra*, 4 Cal. State Bar Ct. Rptr. at p. 842 apply equally here: “Respondent’s extended history of inattention to his fiduciary responsibilities to his clients, together with his failure to learn from his past misdeeds, creates a grave risk that additional harm will result to his clients. Furthermore, respondent’s manifest indifference to the consequences of his actions and the absence of any significant mitigation evidence compel [this court] to conclude that . . . [¶] . . . disbarment [is] necessary to best serve the goals of attorney discipline in this case.” (See also *Morgan v. State Bar* (1990) 51 Cal.3d 598; *In the Matter of Thomson* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 966.)

## V. RECOMMENDED DISCIPLINE

The court recommends that **DANIEL DAVID DYDZAK** be disbarred from the practice of law in the State of California and that his name be stricken from the roll of attorneys admitted to practice in this state.

## VI. RULE 9.20 AND COSTS

The court also recommends that Daniel David Dydzak be ordered to comply with the requirements of rule 9.20 of the California Rules of Court and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court order in this proceeding.

The court also recommends that costs be awarded to the State Bar in accordance with section 6086.10, such costs being enforceable both as provided in section 6140.7 and as a money judgment.

## VII. ORDER OF INACTIVE ENROLLMENT

Because the hearing judge recommended disbarment, he properly ordered that Daniel David Dydzak be involuntarily enrolled as an inactive member of the State Bar as required by

section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 220(c). The hearing judge's order of involuntary inactive enrollment became effective on August 8, 2008, and Daniel David Dydzak has remained on involuntary inactive enrollment since that time and will remain on involuntary inactive enrollment pending final disposition of this proceeding.

# Exhibit B

Order dated September 25, 2012, *Dydzak*  
*v. Cantil-Sakauye*, C.D. Cal. Case No.  
C11-5560-JCC, Dkt. No. 35

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

DANIEL DAVID DYDZAK,

Plaintiff,

v.

TANI CANTIL-SAKAUYE, et al.,

Defendant.

CASE NO. C11-5560-JCC

ORDER

In its order of March 2, 2012, the Court dismissed on its own motion *pro se* Plaintiff Daniel Dydzak's Complaint and ordered Mr. Dydzak to show cause as to why he should not be sanctioned for failure to comply with Federal Rule of Civil Procedure 11(b). (Dkt. No. 16.) Shortly thereafter, this Court issued a second order to show cause, in which it directed Mr. Dydzak to show cause as to (1) why he should not be declared a vexatious litigant, and (2) why he should not be prohibited from initiating further litigation alleging deprivation of rights under 42 U.S.C. § 1983 relating to his disbarment without prior authorization. (Dkt. No. 19.) Plaintiff responded to each order to show cause on April 2 and April 5, 2012, respectively. (Dkt. Nos. 31, 32.) Having considered Plaintiff's responses and the balance of the record, the Court finds that Plaintiff has failed to show good cause and hereby ORDERS that plaintiff is declared a vexatious litigant and subject to this pre-filing order, as explained below.

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1 **I. DISCUSSION**

2 As the Ninth Circuit has recognized, “[f]lagrant abuse of the judicial process cannot be  
3 tolerated because it enables one person to preempt the use of judicial time that properly could be  
4 used to consider the meritorious claims of other litigants.” *See De Long v. Hennessey*, 912 F.2d  
5 1144, 1148 (9th Cir. 1990). To combat such abuses, litigation misconduct is sanctionable under  
6 this Court’s inherent power, C.D. Cal. Local Rule 83-8, and Federal Rule of Civil Procedure 11.  
7 In rare circumstances, such sanctions may take the form of a pre-filing order, which limits one’s  
8 ability to initiate further litigation. *See De Long*, 912 F.2d at 1147 (recognizing “inherent power  
9 of federal courts to regulate the activities of abusive litigants”); C.D. Cal. Local Rule 83-8.2  
10 (authorizing court to issue “orders as are appropriate to control the conduct of a vexatious  
11 litigant”); FED. R. CIV. P. 11(c)(4) (permitting Court to impose sanctions in the form of  
12 nonmonetary directives). Before imposing a pre-filing order against a *pro se* litigant, however, a  
13 district court must (1) provide the litigant with “adequate notice and a chance to be heard,” (2)  
14 identify the “cases and motions that support the conclusion that [the litigant’s] filings are so  
15 numerous or abusive that they should be enjoined,” (3) make “substantive findings as to the  
16 frivolous or harassing nature of the litigant’s actions,” and (4) ensure that any pre-filing order is  
17 “narrowly tailored to closely fit the specific vice encountered.” *Molski v. Evergreen Dynasty*  
18 *Corp.*, 500 F.3d 1047, 1057 (9th Cir. 2007) (quoting *De Long*, 912 F.2d at 1145-48 (internal  
19 quotation and citation omitted)). The purpose of these requirements is to ensure that the pre-  
20 filing order does not “tread on the litigant’s due process right of access to the courts.” *Id.* This  
21 Court addresses each of these requirements below.

22 **A. Notice and Opportunity to be Heard**

23 In the instant case, the Court finds that Mr. Dydzak was provided with adequate notice  
24 and an opportunity to be heard. By its orders dated March 2 and March 7, 2012, this Court  
25 directed Mr. Dydzak to show cause as to why he should not be sanctioned for failure to abide by  
26 Rule 11(b) and why he should not be declared a vexatious litigant and subject to a pre-filing bar.



(Dkt. Nos. 16, 19.) Mr. Dydzak was given the opportunity to respond, which he did through two separate opposition briefs. (Dkt. Nos. 31, 32.) In his responses to the orders to show cause, Plaintiff also provided the Court with signed declarations in support of his opposition briefs. *Id.* The Court has thoroughly considered each of Mr. Dydzak's responses and supporting materials. Accordingly, Plaintiff was provided notice and afforded an opportunity to respond to the possibility that he would be declared a vexatious litigant and subject to a pre-filing order. *See Molski*, 500 F.3d at 1058-59; *cf. Pacific Harbor Cap., Inc. v. Carnival Air Lines, Inc.*, 210 F.3d 1112, 1118 (9th Cir. 2000) (imposing sanctions against attorney and holding that "[t]he opportunity to brief the issue fully satisfies due process requirements").

#### **B. Adequate Record**

The second requirement is that this Court establish an adequate record of review. *See De Long*, 912 F.2d at 1147-48. "An adequate record for review should include a listing of all the cases and motions that led the district court to conclude that a vexatious litigant order was needed." *Id.* at 1147. In this Court's prior order to show cause (Dkt. No. 19), the Court provided a case-by-case and motion-by-motion replay of Mr. Dydzak's litigation history, which it includes in full and supplements below.

This is Mr. Dydzak's fourth federal lawsuit challenging his 2008 disbarment. In the first such case, *Dydzak v. State of California, et al.*, C08-7765-VAP (AGR) (C.D. Cal. 2008) (*Dydzak I*), Mr. Dydzak alleged that individual defendants in separate actions he had been litigating prior to his disbarment had exerted improper influence over his state bar proceedings. He sued the State of California, the State Bar Court, and numerous judges and attorneys affiliated with the State Bar Court for deprivation of rights under 42 U.S.C. § 1983. On the defendants' motion to dismiss, U.S. Magistrate Judge Alicia Rosenberg recommended that the claims for injunctive and declaratory relief be dismissed based on *Younger* abstention, and that the claims for monetary relief be dismissed based on Eleventh Amendment and quasi-judicial immunity. (*Id.*, Dkt. No. 45.) U.S. District Judge Virginia Phillips adopted the report and recommendation and granted the motion to dismiss. (*Id.*, Dkt. No. 48.)

Following entry of judgment in the matter, Mr. Dydzak filed a motion requesting that Judges Phillips and Rosenberg be disqualified. The motion was referred to Judge R. Gary Klausner, who issued an order denying the motion to

1 disqualify. (*Id.*, Dkt. No. 54.) Mr. Dydzak promptly moved to disqualify Judge  
2 Klausner. In an eight-page order, Judge Margaret Morrow denied that motion.  
3 (*Id.*, Dkt. No. 61.) Following a flurry of rejected motions by Mr. Dydzak,  
4 including a motion for reconsideration, a motion to reopen his case, and an  
5 additional motion to disqualify Judges Phillips and Rosenberg, Mr. Dydzak  
6 moved to disqualify all of the judges in the U.S. District Court for the Central  
7 District of California. (*Id.*, Dkt. No. 95.) That motion was referred to Judge  
8 George Wu, who issued yet another thoroughly drafted order denying the motion.  
9 (*Id.*, Dkt. No. 98.) Judge Wu also referred to Judge Morrow the issue of whether  
10 to sanction Mr. Dydzak for his disregard of the prior-issued orders for  
11 disqualification. Mr. Dydzak appealed the judgment in the matter to the Ninth  
12 Circuit, which summarily affirmed. (*Id.*, Dkt. No. 107; CA 09-56325, Dkt. No. 12  
13 (9th Cir. Nov. 18, 2009).)

14 On February 4, 2010, Mr. Dydzak submitted a new application to the court  
15 to proceed *in forma pauperis*, along with a complaint naming the same defendants  
16 named in *Dydzak I*, along with several additional individual defendants. *See*  
17 *Dydzak v. Remke et al.*, C10-0828-UA-AGR (C.D. Cal. 2010). The proposed  
18 complaint recycled the allegations from *Dydzak I*. Judge Audrey Collins denied  
19 Mr. Dydzak's request to proceed *in forma pauperis* and rejected the complaint,  
20 finding that it failed to state a claim, that *res judicata* barred claims that were the  
21 same as those in *Dydzak I*, and that the claims for injunctive and declaratory relief  
22 were barred by *Younger* abstention. (*Id.*, Dkt. No. 2.)

23 Ten days later, Mr. Dydzak initiated another lawsuit under 42 U.S.C. §  
24 1983. *See Dydzak v. Remke, et al.*, C10-1297-AHM-AGR (C.D. Cal. 2010)  
25 (*Dydzak II*). He named nearly all of the defendants from *Dydzak I*, along with  
26 Judges Rosenberg, Phillips, Morrow, Klausner, Wu, and Collins. On Judge Percy  
Anderson's order to show cause why the claims against the federal judges should  
not be dismissed based on judicial immunity, Mr. Dydzak voluntarily dismissed  
the claims against the judges, and Judge Anderson discharged the order. Judge  
Gary Feess, the Case Management & Assignment Committee Chair for the  
Central District, reassigned the case to Judge Phillips pursuant to General Order  
08-05, which requires that when a case is closed and *an identical case is re-filed*,  
it must be transferred to the originally assigned judge. (*Id.*, Dkt. No. 34.) As Judge  
Phillips was a defendant in *Dydzak II*, she recused herself, and the matter was  
again reassigned to Judge A. Howard Matz. Judge Matz denied Mr. Dydzak's  
motion for a preliminary injunction, recounted Mr. Dydzak's multiple legal  
challenges to his disbarment up to that point, and observed that the complaint in  
the matter was "largely incoherent." (*Id.*, Dkt. No. 41.)

Mr. Dydzak appealed Judge Matz's order to the Ninth Circuit, but while  
the appeal was pending, Judge Matz granted the State Bar defendants' motion to  
dismiss. As in *Dydzak I* and the application rejected by Judge Collins, the court  
held that the claims for declaratory and injunctive relief were barred by *Younger*

1 abstention and that the claims for monetary relief were barred by the Eleventh  
2 Amendment. (*Id.*, Dkt. No. 51.) The Ninth Circuit denied Mr. Dydzak's  
3 application to proceed *in forma pauperis* "because appellant has failed to show  
4 that the appeal is not frivolous." (*Id.*, Dkt. Nos. 60, 62; CA 10-56000, Dkt. Nos. 5,  
5 7 (9th Cir. 2011).)

6 Before the Ninth Circuit had rendered its order dismissing his appeal, Mr.  
7 Dydzak had already filed his third lawsuit. *See Dydzak v. George, et al.*, C10-  
8 5820-SVW (C.D. Cal. 2010) (*Dydzak III*). He again alleged deprivation of rights  
9 under § 1983 and again named nearly all of the defendants from *Dydzak I* and *II*,  
10 including the federal judge defendants from *Dydzak II*—Klausner, Morrow, Wu,  
11 Phillips, Collins, and Rosenberg—despite the fact that Judge Anderson had  
12 dismissed those claims *with prejudice*. (*See Dydzak II*, Dkt. No. 9.) This time, Mr.  
13 Dydzak also sued the California Supreme Court and all seven of its justices  
14 individually, along with Judges Matz and Feess. (*Dydzak III*, Dkt. No. 1.) He  
15 repeated his allegations from *Dydzak I* and *II*, and larded his complaint with  
16 additional allegations of bias, conspiracy, and duplicity against anyone even  
17 peripherally involved in his state bar proceedings.

18 The State Bar of California immediately moved to dismiss the complaint,  
19 and the United States moved to appear as *amicus curiae* regarding the issue of  
20 judicial immunity. Notably, after Judge Stephen Wilson granted the United States  
21 leave to appear, Mr. Dydzak voluntarily dismissed the claims against the federal  
22 judges "without prejudice." (*Id.*, Dkt. No. 14.) On November 8, 2010, in an 18-  
23 page order, Judge Wilson dismissed Mr. Dydzak's claims with prejudice because  
24 (1) Mr. Dydzak was collaterally estopped from bringing his § 1983 claims against  
25 the State Bar defendants; (2) the claims against the justices of the California  
26 Supreme Court were barred by the doctrine of judicial immunity; and (3) the  
Eleventh Amendment barred the claims against the remaining state entities. (*Id.*,  
Dkt. No. 16.) Mr. Dydzak moved for reconsideration, which the court denied in  
another thoroughly drafted order. (*Id.*, Dkt. No. 23.)

That did not end the matter for Mr. Dydzak. He again appealed the  
dismissal of his complaint, and, as he had in *Dydzak I*, moved to disqualify Judge  
Wilson and all judges and magistrate judges of the U.S. District Court for the  
Central District of California. (*Id.*, Dkt. No. 28.) Ninth Circuit Chief Judge  
Kozinski designated Robert Whaley, Senior U.S. District Judge for the Eastern  
District of Washington, to adjudicate the motion to disqualify. Judge Whaley  
denied the motion, noting that Mr. Dydzak's allegations were "based on  
speculation and sources that have not been identified." (*Id.*, Dkt. No. 42.) The  
Ninth Circuit again denied Mr. Dydzak's application to proceed *in forma pauperis*  
because "the appeal is frivolous," and it ordered Mr. Dydzak to show cause why  
the judgment should not be summarily affirmed. (*Id.*, Dkt. No. 40; CA 11-55143,  
Dkt. No. 13 (9th Cir. April 20, 2011).) Following Mr. Dydzak's response to the  
order to show cause, the Ninth Circuit summarily affirmed the district court on



1 July 7, 2011.

2 This brings us to the Complaint recently dismissed by this Court. (Dkt.  
3 Nos. 1, 16.) For the fourth time in federal court, Mr. Dydzak alleged deprivation  
4 of rights under § 1983, in a rehash of his previous three complaints. He sued the  
5 California Supreme Court and its justices as individuals despite the prior  
6 dismissal of those claims with prejudice. He sued Judges Klausner, Morrow,  
7 Phillips, Collins, and Rosenberg despite the prior dismissal of those claims with  
8 prejudice. For good measure, he sued nearly all other judges of the U.S. District  
9 Court for the Central District of California, regardless of their involvement in his  
10 prior matters. He also sued Judge Whaley for denying his motion to disqualify the  
11 judges of the Central District in *Dydzak III*. The Court spelled out the various  
12 fatal deficiencies in Mr. Dydzak's claims and again dismissed his Complaint, this  
13 time *sua sponte*.

14 (Dkt. No. 19.)

15 Immediately following the dismissal of his claims, Mr. Dydzak pushed forward,  
16 undeterred by yet another dismissal with prejudice. He filed numerous motions including, among  
17 others, a motion for reconsideration (Dkt. No. 27), a motion to disqualify counsel for defendants,  
18 (Dkt. No. 25), and expectedly, a motion to disqualify the undersigned. (Dkt. No. 23.) To  
19 adjudicate the latter motion to disqualify, Ninth Circuit Chief Judge Kozinski designated Justin  
20 L. Quackenbush, Senior U.S. District Judge for the Eastern District of Washington. Plaintiff then  
21 challenged that designation in a motion for reconsideration directed to Chief Judge Kozinski.  
22 (Dkt. No. 30.) In yet another thorough opinion disposing of Mr. Dydzak's attempt to disqualify  
23 a judge who has dismissed his claims, Judge Quackenbush denied the motion to disqualify. (Dkt.  
24 No. 33.) In doing so, Judge Quackenbush expressed concern that Mr. Dydzak may have sought  
25 to delay or avoid an adverse decision by this Court given that the motion to disqualify was filed  
26 shortly after this Court's order dismissing Plaintiff's claims. *Id.* at 10. Additionally, Judge  
Quackenbush noted that "Plaintiff has requested the disqualification of a presiding judge at least  
*eight* times under similar circumstances[.]" and explained that Plaintiff's actions appeared to  
occur "as a matter of course" anytime he was faced with an adverse action. *Id.*

In addition to dismissing Plaintiff's claims with prejudice on March 2, 2012, this Court  
ordered Mr. Dydzak to show cause as to why he should not be sanctioned for failure to comply

1 with Fed. R. Civ. P. 11(b). (Dkt. No. 16.) Thereafter, on March 7, 2012, this Court issued an  
2 additional order in which Plaintiff was directed to show cause as to why he should not be  
3 declared a vexatious litigant and barred from initiating future litigation related to his disbarment  
4 without prior authorization. (Dkt. No. 19.)

5 Based on the record compiled from the above cases and the current matter, the Court  
6 concludes that the record is adequate for review.

7 **C. Frivolous or Harassing Nature of Plaintiff's Actions**

8 Third, the district court is required to make findings as to the frivolous or harassing  
9 nature of the litigant's actions. *See Molski*, 500 F.3d at 1059 (citing *De Long*, 912 F.2d at 1148).  
10 In making this determination, the Court considers not just the number of filings, but the contents  
11 thereof. *Id.* A pre-filing order cannot be based only upon a showing of litigiousness; rather, the  
12 plaintiff's claims must be "patently without merit." *Id.* (quoting *Moy v. United States*, 906 F.2d  
13 467, 470 (9th Cir. 1990)). In the instant case, the Court finds that there is sufficient basis to  
14 conclude that Plaintiff's litigation relating to his 2008 disbarment has been abusive and frivolous.

15 As explained in this Court's prior orders to show cause and order dismissing Plaintiff's  
16 complaint (Dkt. Nos. 16, 19), Mr. Dydzak has abused this Court's process by filing multiple  
17 meritless lawsuits based on the same claims and consistently filing motions to disqualify any  
18 judge who rules against him (as well as countless other judges with whom Plaintiff has had little  
19 or no interaction). His claims have consistently lacked a credible factual foundation and, as  
20 detailed in this Court's order of March 2, 2012, Plaintiff has displayed an utter disregard for the  
21 applicable law and prior rulings of this Court and the Ninth Circuit. (*See* Dkt. No. 16.)

22 Specifically, Mr. Dydzak has initiated four lawsuits in federal court based on his  
23 expanding visions of conspiracy regarding his 2008 disbarment. At each stage, Plaintiff's claims  
24 have been dismissed; his second, third, and fourth complaints were dismissed *with prejudice*.  
25 (*See Dydzak II*, Dkt. No. 9 (dismissing claims against federal judge defendants with prejudice  
26 based on judicial immunity); *Dydzak II*, Dkt. No. 51 (dismissing remaining claims without leave

1 to amend on grounds of *Younger* abstention and the Eleventh Amendment); *Dydzak III*, Dkt. No.  
2 16 (dismissing claims with prejudice based on collateral estoppel, judicial immunity, and the  
3 Eleventh Amendment); Dkt. No. 16 (dismissing claims based on judicial immunity, *res judicata*,  
4 and collateral estoppel); *see also Dydzak v. Remke et al.*, C10-0828-AGR (C.D. Cal. 2010)  
5 (denying application to proceed *in forma pauperis* and rejecting complaint based on *res judicata*  
6 and *Younger* abstention.) Yet, Mr. Dydzak has taken each dismissal in stride, using it as an  
7 excuse to file countless motions to disqualify and to bring a new case based on allegations of the  
8 same ever-expanding conspiracy against the same and additional defendants.

9       Additionally, Plaintiff has unsuccessfully appealed the dismissals in each of his three  
10 prior cases. The first two appeals were, respectively, barred as untimely (*Dydzak I*, Dkt. No.  
11 107)<sup>1</sup>, and summarily dismissed for failure to respond to the Court's order (*Dydzak II*, Dkt. Nos.  
12 60, 62, 63, 64). The dismissal of Mr. Dydzak's third complaint was summarily affirmed by the  
13 Ninth Circuit on the grounds of collateral estoppel, judicial immunity, and the Eleventh  
14 Amendment. (*Dydzak III*, Dkt. No. 44.) Further, in denying Mr. Dydzak's application to proceed  
15 *in forma pauperis* in his second appeal, the Ninth Circuit explained that "appellant has failed to  
16 show that the appeal is not frivolous[.]" and in his third appeal, the Court again noted that "the  
17 appeal is frivolous." (*Dydzak II*, Dkt. Nos. 60, 62; *Dydzak III*, Dkt. No. 40.) The Court thus  
18 stresses that it is not merely the volume of filings in Mr. Dydzak's litigation history that leads the  
19 Court to find that his claims are frivolous. Rather, it is the fact that Mr. Dydzak's claims are  
20 recycled from case to case and legally meritless, as demonstrated by the repeated dismissals on  
21 the same few grounds.

22       In his responses, Mr. Dydzak fails to persuade this Court that his filings in this case and  
23 in prior cases were not, in fact, "patently without merit." In large part, Plaintiff uses his  
24

25  
26 <sup>1</sup> Mr. Dydzak attempted to appeal the dismissal in *Dydzak I*, but the Ninth Circuit limited the scope of the appeal to  
the motions to disqualify Judges Phillips, Rosenberg, and Morrow, because Plaintiff did not timely appeal the  
dismissal. (*Dydzak I*, Dkt. No. 107.) The denials of those motions to disqualify were summarily affirmed. *Id.*

1 responses as an opportunity to continue making allegations regarding the same overarching  
2 conspiracy that has been the subject of his series of lawsuits. Nothing in Plaintiff's responses  
3 warrants a finding that there was a basis in fact or law for Plaintiff to continue bringing such  
4 claims, especially in light of the prior dismissals. The Court also notes that Mr. Dydzak  
5 mischaracterizes the procedural history of his litigation in the Central District of California. To  
6 cite a few examples, he argues that in his second lawsuit, Judge Anderson discharged an order to  
7 show cause, thereby "showing there was merit to the lawsuit." (Dkt. No. 32, at 9.) As noted  
8 above, however, Judge Anderson dismissed the claims at issue (against the federal judge  
9 defendants) *with prejudice* after Plaintiff, in response to the Court's order to show cause as to  
10 why those claims should not be dismissed based on judicial immunity, voluntarily dismissed  
11 those defendants. (*See Dydzak II*, Dkt. No. 9.) As another example, Plaintiff describes the appeal  
12 of his third lawsuit by stating that "[t]he Ninth Circuit did not hear the matter, because  
13 DYDZAK has learnt that it never grants appeals in pro se civil rights cases." (Dkt. No. 32, at 9-  
14 10.) The Ninth Circuit, however, noted that the appeal was frivolous, issued an order to show  
15 cause to which Mr. Dydzak responded, and summarily affirmed the district court on the grounds  
16 of collateral estoppel, judicial immunity, and the Eleventh Amendment. (*See Dydzak III*, Dkt.  
17 Nos. 40, 44.) Such mischaracterizations exemplify Mr. Dydzak's disregard for the prior rulings  
18 of this Court and the Ninth Circuit as he blindly presses forward with his litigation efforts.

19 Having considered Mr. Dydzak's filings in each of his prior cases and in the instant  
20 matter, the Court finds that Plaintiff is not just litigious. Rather, Plaintiff's repeated attempts to  
21 bring the same or similar claims against the same or similar defendants, and his continued  
22 motions to disqualify, as described above, lead this Court to find that Mr. Dydzak's conduct has  
23 become abusive and that his claims are frivolous.

#### 24 **D. Narrowly Tailored Order**

25 The final factor under *De Long* requires that the pre-filing order must be "narrowly  
26 tailored to the vexatious litigant's wrongful behavior." *Molski*, 500 F.3d at 1061. In *Molski*, the



1 Ninth Circuit held that the pre-filing order at issue was narrowly tailored where, rather than  
2 barring the vexatious litigant from filing *any* claims, it instead required the litigant to seek  
3 authorization before filing the same types of claims that had been filed vexatiously. 500 F.3d at  
4 106. In light of Mr. Dydzak's conduct, the Court finds that the imposition of a pre-filing bar,  
5 subject to the conditions stated below, is appropriately limited to Plaintiff's wrongful behavior in  
6 accordance with *Molski* and *De Long*.

## 7 **II. CONCLUSION**

8 For the foregoing reasons, it is hereby ORDERED that:

9 (1) Plaintiff is declared a vexatious litigant under C.D. Cal. Local Rule 83-8.2 and this

10 Court's inherent authority;

11 (2) Plaintiff is PROHIBITED from initiating any further litigation in this or any other  
12 federal court alleging deprivation of rights under 42 U.S.C. § 1983 or *Bivens* based on  
13 his disbarment without the prior authorization from the presiding judge of the U.S.  
14 District Court for the Central District of California; and

15 (3) Plaintiff is REQUIRED to provide security in the amount of \$5,000 for each  
16 defendant against whom he seeks to proceed with Court authorization in the future.

17 Should Mr. Dydzak wish to file a complaint, he must submit a copy of his proposed  
18 complaint, a letter requesting that the complaint be filed, and a copy of this Order, to the Clerk of  
19 this Court. The Clerk shall then forward the letter, the complaint, and a copy of this Order to the  
20 presiding Judge for a determination whether the complaint should be accepted for filing.

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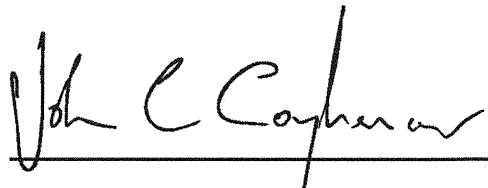
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1 DATED this 25th day of September 2012.

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A handwritten signature in black ink, appearing to read "John C. Coughenour", is written over a horizontal line.

John C. Coughenour  
UNITED STATES DISTRICT JUDGE

# Exhibit C

Prefiling Order – Vexatious Litigant  
dated April 5, 2013, *Dydzak v. Dunn*,  
Cal. Super. Ct. Case No. 30-2012-  
00558031

MC-700

**AttyDefsSER-087**

**-087**  
2nd floor 12-68

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO**

Central  
330 West Broadway  
San Diego, CA 92101

**SHORT TITLE:** Daniel D Dydzak vs Joseph Lawrence Dunn

**CLERK'S CERTIFICATE OF SERVICE BY MAIL**

**CASE NUMBER:**  
**30-2012-00558031**

I certify that I am not a party to this cause. I certify that a true copy of the PRE-FILING ORDER VEXATIOUS LITIGANT was mailed following standard court practices in a sealed envelope with postage fully prepaid, addressed as indicated below. The mailing and this certification occurred at San Diego, California, on 04/08/2013.

Clerk of the Court, by: \_\_\_\_\_

  
L. San Nicolas

Deputy

JUDICIAL COUNCIL OF CALIFORNIA  
455 GOLDEN GATE AVENUE  
SAN FRANCISCO, CA 94102

☐ Additional names and address attached.

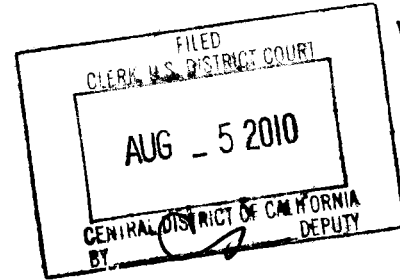
# Exhibit D

Complaint, *Dydzak v. George*, Case No.  
10-cv-05820-SVW, Dkt. No. 1 (C.D.  
Cal. Aug. 5, 2010)

1 DANIEL DAVID DYDZAK  
 2 PLAINTIFF PRO SE  
 3 4265 MARINA CITY DRIVE, SUITE 407W  
 4 MARINA DEL REY, CA 90292  
 5 TELEPHONE: (310) 867-1289

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA



1:30  
 Fee  
 paid

6  
 7 DANIEL DAVID DYDZAK, )  
 8 )  
 9 Plaintiff, )  
 10 vs. )

CASE NO.

CV10 5820 SVW

COMPLAINT FOR DAMAGES  
 AND EQUITABLE/DECLARATORY  
 RELIEF, TEMPORARY RESTRAINING  
 ORDER, PRELIMINARY INJUNCTION  
 AND PERMANENT INJUNCTION

11 RONALD M. GEORGE, CARLOS R. )  
 12 MORENO, JOYCE L. KENNARD, )  
 13 KATHRYN MICKLE WERDEGAR, )  
 14 MING W. CHIN, MARVIN R. BAXTER, )  
 15 CAROL A. CORRIGAN, SUPREME )  
 16 COURT OF CALIFORNIA, STATE )  
 17 BAR OF CALIFORNIA, DONALD )  
 18 F. MILES, STATE BAR COURT, )  
 19 BOARD OF GOVERNORS OF STATE )  
 20 BAR OF CALIFORNIA, JOANN M. )  
 21 REMKE, CATHERINE D. PURCELL, )  
 22 JUDITH EPSTEIN, RONALD W. )  
 23 STOVITZ, PATRICE E. McELROY, )  
 24 RICHARD A. PLATEL, LUCY )  
 25 ARMENDARIZ, RICHARD A. HONN, )  
 26 BERNARD A. BURK, KENNETH G. )  
 27 HAUSMAN, SEAN M. SELEGUE, )  
 28 HOWARD, RICE, NEMEROSKI, )  
 CANADY, FALK & RABKIN, )  
 SCOTT DREXEL, A. HOWARD MATZ, )  
 GARY A. FEESS, R. GARY KLAUSNER, )  
 MARGARET M. MORROW, GEORGE )  
 H. WU, VIRGINIA A. PHILLIPS, AUDREY )  
 B. COLLINS, ALICIA G. ROSENBERG, )  
 and DOES 1 through 10, Inclusive, )  
 Defendants. )

1. DEPRIVATION OF RIGHTS UNDER  
 COLOR OF STATE LAW  
 (CIVIL RIGHTS ACT, TITLE 42 U.S.C.  
 SECTION 1983)

2. INTENTIONAL INTERFERENCE  
 WITH ECONOMIC RELATIONS

3. FRAUD

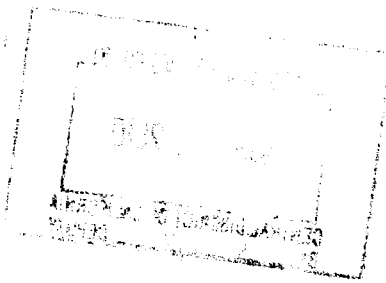
DEMAND FOR JURY TRIAL

DYDZAK V. GEORGE

-1-

COMPLAINT

AttyDefsSER-090



8/5/2010 1:49:36 PM Receipt #: 143698  
 Cashier: KPAGE [LA 1-1]  
 Paid by: DANIEL D. DYDZAK  
 2:CV10-05820  
 2010-086900 5 - Civil Filing Fee(1)  
 Amount: \$60.00  
 2:CV10-05820  
 2010-510000 11 - Special Fund F/F(1)  
 Amount: \$190.00  
 2:CV10-05820  
 2010-086400 Filing Fee - Special(1)  
 Amount: \$100.00  
 Cash Payment: 350.00

AttyDefsSER-091

COMES NOW Plaintiff Pro Se, DANIEL DAVID DYDZAK, an individual, and alleges as follows:

PRELIMINARY ALLEGATIONS

1. Plaintiff, DANIEL DAVID DYDZAK ("DYDZAK"), is, and at all times herein mentioned was, an adult over eighteen years old and a resident of the County of Los Angeles, State of California.

2. At all times relevant hereto, until on or about May 12, 2010, DYDZAK was a licensed California attorney and member of the State Bar of California. He actively practiced law in the State of California, in both state and federal courts, for over two decades.

3. On or about August 10, 2008, DYDZAK received written notice in the mail that he was placed on inactive status by unlawful, biased, fraudulent and unconstitutional Decision of the California State Bar Court dated August 5, 2008 and effective August 8, 2008. Said Decision recommending the

-2-

DYDZAK V. GEORGE

COMPLAINT



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2  
3 draconian, unlawful and uncalled for measure of disbarment  
4 against DYDZAK was written by State Bar Judge, Defendant DONALD  
5 F. MILES ("MILES").

6 4. Thereafter, DYDZAK appealed the Decision and filed  
7 other post-trial motions in the Review Department of Defendant  
8 STATE BAR COURT. In particular, DYDZAK discovered that there  
9 were valid and legitimate legal and factual grounds to  
10 disqualify State Bar Judge MILES in his matter and set aside  
11 MILES' Decision. Notwithstanding same, on or about December 3,  
12 2010, the Review Department, in an Opinion and Order on Review  
13 by Defendants, Review Judges, JOANN REMKE, CATHERINE D. PURCELL  
14 and JUDITH EPSTEIN, unlawfully, unconstitutionally and  
15 wrongfully supported MILES' Decision, recommending DYDZAK's  
16 disbarment to the California Supreme Court.

17 5. DYDZAK timely filed a Petition for Writ of Review in  
18 the California Supreme Court on numerous legal, constitutional  
19 and factual grounds, challenging the unlawful and wrongful  
20 recommendation of disbarment. On or about May 12, 2010,  
21 the Supreme Court of California summarily, unlawfully,  
22  
23  
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25 -3-

26 DYDZAK V. GEORGE

COMPLAINT

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3 illegally, unconstitutionally and against DYDZAK's civil rights  
4 denied the Petition, without sufficient and detailed  
5 explanation. Said Supreme Court further ordered that DYDZAK be  
6 disbarred, removed from the roll of attorneys in the State of  
7 California, and pay vague, unconstitutional and unsubstantiated  
8 disciplinary costs in excess of \$ 15,000. Contrary to the  
9 Supremacy Clause of the U.S. Constitution, the Due Process and  
10 Equal Protection Clauses of the California Constitution, and  
11 other applicable law, DYDZAK was not provided oral argument and  
12 written decision on the merits by the highest court in  
13 California. Plaintiff is informed and believes, and thereon  
14 alleges, that the aforesaid disbarment Order became effective on  
15 or about June 11, 2010. As a proximate, direct and legal result  
16 of the unlawful actions of the Supreme Court of California, as  
17 herein alleged, the aforesaid disbarment Order of the Supreme  
18 Court of California was and is, unquestionably, void, voidable,  
19 illegal, unconstitutional and against DYDZAK's civil rights.

20 6. Plaintiff is informed and believes, and thereon alleges,  
21 that Defendant, THE STATE BAR OF CALIFORNIA ("BAR"), is, and at  
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25 -4-

26 DYDZAK V. GEORGE

COMPLAINT

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3 all times herein mentioned was, a public corporation, with two  
4 offices in the City of San Francisco and City of Los Angeles,  
5 State of California, and responsible for administratively  
6 supervising all attorneys licensed in the State of California.

7 7. Plaintiff is informed and believes, and thereon  
8 alleges, that Defendant, BOARD OF GOVERNORS OF THE STATE BAR OF  
9 CALIFORNIA ("BOARD"), is, and at all times herein mentioned was,  
10 an entity comprised of individuals who manage, operate,  
11 supervise and otherwise direct all activities of Defendant BAR,  
12 with two offices in the City of San Francisco and City of Los  
13 Angeles, State of California.

14 8. Plaintiff is informed and believes, and thereon  
15 alleges, that Defendant STATE BAR COURT ("COURT") is, and at all  
16 times herein mentioned was, a public corporation duly organized  
17 and existing under and by virtue of the laws of the State of  
18 California. Upon information and belief, said COURT is, and was  
19 at all times relevant hereto, set up to oversee disciplinary  
20 matters involving attorneys licensed in the State of California,  
21 with a Hearing Department and Review Department in Los Angeles  
22  
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25 -5-

26 DYDZAK V. GEORGE

COMPLAINT

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3 and San Francisco, California.

4 9. Plaintiff is informed and believes, and thereon  
5 alleges, that Defendants JOANN M. REMKE, RONALD W. STOVITZ,  
6 PATRICE E. McELROY, DONALD F. MILES, RICHARD A. PLATEL, JUDITH  
7 EPSTEIN, LUCY ARMENDARIZ, RICHARD A. HONN and CATHERINE D.  
8 PURCELL, are, and at all times herein mentioned were, residents  
9 of the State of California. Plaintiff is further informed and  
10 believes, and thereon alleges, that the aforementioned  
11 individual Defendants are, and at all times herein mentioned  
12 were, members and judges of Defendant COURT and/or the Review  
13 Department thereof and acting or purportedly acting with the  
14 authorization, permission and consent of Defendants COURT, BAR,  
15 BOARD, STATE OF CALIFORNIA, and the other individual named  
16 Defendants, and acting in concert with the said Defendants, and  
17 each of them, to commit the unlawful activity and conduct  
18 alleged herein.

19 10. Plaintiff is informed and believes, and thereon  
20 alleges, that the individual Defendants referenced and named  
21 herein are, and were at all times herein mentioned, agents,  
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26 DYDZAK V. GEORGE

COMPLAINT

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3 employees and/or officers of Defendant BAR, STATE OF CALIFORNIA,  
4 or the UNITED STATES OF AMERICA.

5 11. Plaintiff is informed and believes, and thereon  
6 alleges, that Defendant SUPREME COURT OF CALIFORNIA is, and at  
7 all times herein mentioned was, a governmental entity or public  
8 corporation duly organized and existing under and by virtue of  
9 the laws of the State of California.

10 12. Plaintiff is informed and believes, and thereon  
11 alleges, that Defendants, RONALD M. GEORGE ("GEORGE"), CARLOS R.  
12 MORENO ("MORENO"), JOYCE L. KENNARD ("KENNARD"), KATHRYN MICKLE  
13 WERDEGAR ("WERDEGAR"), MING W. CHIN ("CHIN"), MARVIN R. BAXTER  
14 ("BAXTER") and CAROL A. CORRIGAN ("CORRIGAN") [hereinafter  
15 collectively "CALIFORNIA SUPREME COURT JUSTICES"], are, and were  
16 at all times herein mentioned, justices and members of the  
17 current Supreme Court of California. On or about May 12, 2010,  
18 Defendants, CALIFORNIA SUPREME COURT JUSTICES, made the illegal,  
19 unconscionable and unconstitutional Order to disbar DYDZAK, as  
20 herein alleged and described.

21 13. Defendant GEORGE is shortly retiring as Chief Justice  
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25 -7-

26 DYDZAK V. GEORGE

COMPLAINT

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3 of Defendant SUPREME COURT OF CALIFORNIA, to a large extent  
4 under a cloud of misconduct and ethical and judicial violations,  
5 due to his wrongful and unlawful actions towards DYDZAK and for  
6 other reasons, as hereinafter alleged. Said Defendant GEORGE, in  
7 his blatant and unfair cover-up of the misconduct of State Bar  
8 Judge MILES and other State Bar officials and State Bar Court  
9 judges, has conspired with the other Defendants, MORENO,  
10 KENNARD, WERDEGAR, CHIN, BAXTER and CORRIGAN, to deprive DYDZAK  
11 of his civil and constitutional rights and earn a living  
12 practicing law, to DYDZAK's extreme prejudice.

13 14. Plaintiff is informed and believes, and thereon  
14 alleges, that Defendants, CALIFORNIA SUPREME COURT JUSTICES,  
15 are, and were at all times herein mentioned, residents of the  
16 City and County of San Francisco, State of California.

17 15. Plaintiff is further informed and believes, and thereon  
18 alleges, that Defendants, CALIFORNIA SUPREME COURT JUSTICES,  
19 are acting, and at all times herein mentioned were acting, with  
20 the authorization, permission and consent of Defendants BAR,  
21 BOARD, and the other Defendants herein in doing the unlawful,  
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26 DYDZAK V. GEORGE

COMPLAINT

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3 unconstitutional and wrongful acts herein alleged.

4 16. Plaintiff is informed and believes, and thereon  
5 alleges, that Defendants, BERNARD A. BURK, KENNETH G. HAUSMAN,  
6 and SEAN M. SELEGUE (collectively "HOWARD RICE ATTORNEYS"), are,  
7 and were at all times herein mentioned, attorneys duly licensed  
8 by the State Bar of California to practice law in said state.

9 17. Plaintiff is informed and believes, and thereon  
10 alleges, that Defendants, HOWARD RICE ATTORNEYS, are, and were  
11 at all times herein mentioned, residents of the City and County  
12 of San Francisco.

13 18. Plaintiff is informed and believes, and thereon  
14 alleges, that Defendant, HOWARD, RICE, NEMEROSKI, CANADY, FALK &  
15 RABKIN ("HOWARD, RICE"), is, and at all times herein mentioned  
16 was, an establishment law firm, with numerous Fortune 500  
17 clients, with its head office in the City of San Francisco,  
18 State of California.

19 19. Plaintiff is unaware of the exact legal status or  
20 capacity of HOWARD, RICE, whether it is a professional  
21 corporation, limited partnership, an association or other such  
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25 -9-

26 DYDZAK V. GEORGE

COMPLAINT

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3 legal entity. Plaintiff will seek leave to amend this Complaint  
4 to set forth such exact legal status or capacity of HOWARD, RICE  
5 when same is ascertained, before or at time of trial

6 20. Plaintiff is informed and believes, and thereon  
7 alleges, that Defendants, A. HOWARD MATZ, GARY A. FEES, R. GARY  
8 KLAUSNER, MARGARET M. MORROW, GEORGE H. WU, VIRGINIA A.  
9 PHILLIPS, AUDREY B. COLLINS and ALICIA G. ROSENBERG, are, and at  
10 all times herein mentioned were, United States Judges or  
11 Magistrates for the United States District Court of the Central  
12 District of California.

13 21. Plaintiff is informed and believes, and thereon  
14 alleges, that Defendant SCOTT DREXEL is, and was at all times  
15 herein mentioned, former Chief Trial Counsel of the State Bar of  
16 California. Plaintiff is further informed and believes, and  
17 thereon alleges, that said Defendant is, and was at all times  
18 herein mentioned, a resident of the County of San Francisco,  
19 State of California.

20 22. Plaintiff is ignorant of the true names and capacities  
21 of Defendants sued herein as DOES 1 through 10, inclusive, and  
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26 DYDZAK V. GEORGE

COMPLAINT



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3 therefore sues said Defendants by such fictitious names.  
4 Plaintiff will amend this Complaint in order to allege their  
5 true names and capacities when same are ascertained.

6 23. Plaintiff is informed and believes, and thereon  
7 alleges, that each of the fictitiously named Defendants is  
8 responsible in some manner for the occurrences herein alleged,  
9 and that Plaintiff's damages herein alleged were proximately  
10 caused by their conduct.

11 24. Plaintiff is informed and believes, and upon such  
12 information and belief alleges, that at all times herein  
13 mentioned each of the Defendants was the agent, servant and  
14 employee of each of the remaining Defendants, and, in doing the  
15 acts hereinafter alleged, was acting within the purpose, course  
16 and scope of such agency, service and employment, and with the  
17 permission and consent of each of the other Defendants.

18 25. DYDZAK was admitted to the practice of law in the  
19 State of California on December 17, 1985. In or about August,  
20 2006 and January, 2007, the Office of the Chief Trial Counsel  
21 ("OCTC") filed Notices of Disciplinary Charges against DYDZAK  
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26 DYDZAK V. GEORGE

COMPLAINT

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3 and DYDZAK filed appropriate responses to same.

4       26. DYDZAK believed and found out that the alleged charges  
5 were politically motivated, because he had filed in the Los  
6 Angeles Superior Court on behalf of clients a major lawsuit  
7 against a former State Bar President and establishment lawyer,  
8 one Alan Rothenberg. Mr. Rothenberg had political connections  
9 with Defendants BAR, BOARD and COURT and knew Defendant DREXEL,  
10 the then Chief Trial Counsel, and other members of the Board of  
11 Governors. The filing of the NDC charges coincided with DYDZAK's  
12 litigating and attempting to settle the case involving Mr.  
13 Rothenberg. Rothenberg indeed threatened DYDZAK at the time of  
14 his deposition in said litigation that he was "going to get  
15 him," referring to his connections with Defendants BAR, BOARD  
16 and COURT.

17       27. DYDZAK is informed and believes, and thereon alleges,  
18 that Defendant DREXEL, maliciously, unethically,  
19 unprofessionally and in conspiracy with Rothenberg, communicated  
20 in person and telephonically with said attorney between in or  
21 about August, 2006, and continuing throughout 2007 and 2008,  
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25 -12-

26 DYDZAK V. GEORGE

27 COMPLAINT  
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3 about pursuing disciplinary charges against DYDZAK, despite the  
4 lack of merit to said charges and the weakness of the  
5 disciplinary allegations against DYDZAK.

6 28. In so doing, Defendant DREXEL, to enrich himself,  
7 preserve his employment and be influential in the state bar  
8 hierarchy, was improperly currying favor with politically  
9 connected, establishment attorneys, such as Rothenberg. Such  
10 attorneys are well known to contribute monies to the Foundation  
11 of the State Bar of California and are and were on the Judicial  
12 Council headed by Defendant George as Chief Justice. Rothenberg  
13 was previously associated with high-powered L.A. law firms,  
14 Latham, Watkins and Manat, Phelps, Rothenberg & Tunney.

15 29. Plaintiff is informed and believes, and thereon alleges,  
16 that Defendant DREXEL's contract of employment as Chief Trial  
17 Counsel was several months ago not renewed, in large measure  
18 because said Defendant abused his position and was shown through  
19 his office to unfairly target practicing attorneys, mostly sole  
20 practitioners, on even the most trivial of matters.

21 30. Plaintiff is informed and believes, and thereon  
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26 DYDZAK V. GEORGE

COMPLAINT

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3 alleges, that Defendant GEORGE, as a former long-time prosecutor  
4 with a conservative, pro-government bent, turned a blind eye to  
5 any misconduct by Defendant DREXEL because he met with DREXEL  
6 weekly to discuss the administration of the courts in California  
7 and state bar matters. Defendant DREXEL was, at all relevant  
8 times hereto, either a member of Defendant BOARD and the  
9 Judicial Council or closely aligned and involved with and  
10 influential in affecting its decisions. Defendant DREXEL's  
11 agenda was to increase the size and importance of the bloated,  
12 fiscally irresponsible State Bar bureaucracy and his office of  
13 enforcement, no matter what ill treatment was meted out to  
14 practicing attorneys.

15 31. DYDZAK contested the alleged disciplinary charges,  
16 which he believed did not have merit, were politically motivated  
17 and were defensible. Moreover, during Defendant DREXEL's tenure  
18 as Chief Trial Counsel, Defendant DREXEL and other state bar  
19 attorneys earned reputations as being unfair, unethical and  
20 targeting sole practitioners and Plaintiff's attorneys.

21 32. One of the State Bar attorneys assigned to DYDZAK's  
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DYDZAK V. GEORGE

14-  
COMPLAINT

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3 disciplinary proceedings, ELI MORTGENSTERN, even advised and  
4 admitted to DYDZAK that his hands were tied to resolve the  
5 disciplinary matter involving DYDZAK, because he had marching  
6 orders to seek disbarment against DYDZAK, no matter how  
7 meritless, insubstantial or untenable any client complaint  
8 against DYDZAK was.

9 33. On or about August 5, 2008, Defendant DONALD F. MILES,  
10 the State Bar hearing judge in Los Angeles, issued an unfair,  
11 unlawful and draconian Decision recommending that DYDZAK be  
12 disbarred and placing him on inactive status as of August 8,  
13 2008. Defendant MILES took over 200 days to render said  
14 decision, making it improbable to conclude that DYDZAK posed a  
15 serious, immediate risk of harm to the public after DYDZAK had  
16 practiced law more than twenty years with distinction in the  
17 State of California.

18 34. Shortly after this decision was filed, DYDZAK  
19 discovered that Defendant MILES has, and had at all times herein  
20 mentioned, an actual bias, prejudice or conflict of interest, or  
21 the appearance of same, because DYDZAK was suing on behalf of  
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26 DYDZAK V. GEORGE

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COMPLAINT

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3 his prior client, SHANEL STASZ, in Los Angeles Superior Court  
4 MILES' former partner and long-time friend of 17 or more years,  
5 Defendant BERNARD A. BURK, a partner/director with Defendant  
6 HOWARD, RICE as well as defendants such as Charles Schwab and  
7 Charles Schwab & Co., long-time clients of said law firm. Prior  
8 to his inactive status, DYDZAK was attorney of record for STASZ  
9 in LASC Case Nos. BC383161 and BC383162, which litigation  
10 involved major HOWARD, RICE clients and exposed said law firm  
11 and its partner, Defendant BURK, to major liability.

12 35. In August and September, 2008, accordingly, DYDZAK  
13 filed various motions to disqualify Defendant MILES and set  
14 aside the State Bar decision. Defendant MILES unethically,  
15 unlawfully and improperly ruled on his own disqualification and  
16 would not disqualify himself, unlawfully striking the motion  
17 from the record. Defendant REMKE, as the presiding judge,  
18 improperly delayed ruling, violating DYDZAK's due process and  
19 civil rights, and then transferred the disqualification matter  
20 to Defendant McELROY. Defendant McELROY, who was the original  
21 judge in the proceedings and should not have ruled because of  
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26 DYDZAK V. GEORGE

COMPLAINT

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3 this conflict of interest or the appearance of same, denied the  
4 disqualification motion, without any written reasoning or oral  
5 argument. Such unethical and wrongful action was done to protect  
6 Defendant MILES, at the expense of DYDZAK's legal career and  
7 professional standing.

8 36. Plaintiff is informed and believes, and thereon alleges,  
9 that Defendant McELROY, presently the supervising judge of  
10 Defendant COURT, is in another disciplinary case presently under  
11 investigation and scrutiny for taking a bribe and spoliation of  
12 evidence.

13 37. Not surprisingly, given the developing legal storm and  
14 cover-up to "protect the troops at any cost," Defendant Judges  
15 REMKE, STOVITZ and EPSTEIN of the Review Department summarily  
16 denied DYDZAK's Petition for Review, focusing primarily on the  
17 issue of MILES' disqualification, on or about September 25,  
18 2008. Defendant SUPREME COURT OF CALIFORNIA, unfairly,  
19 wrongfully and unethically aiding in the cover-up, denied  
20 DYDZAK's interlocutory Petition For Review on or about November  
21 12, 2008, concerning the disqualification of Defendant MILES.  
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26 DYDZAK V. GEORGE

COMPLAINT

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3 This denial Order patently showed that Defendants, SUPREME COURT  
4 OF CALIFORNIA and CALIFORNIA SUPREME COURT JUSTICES, were not  
5 interested in upholding the Rule of Law, but instead favored the  
6 illegal and biased actions of state bar court judges who they  
7 helped appoint and personally knew. Said Order also showed said  
8 Defendants cared not one iota about the individual civil and  
9 constitutional rights of "politically" targeted and unfairly  
10 maligned sole practitioners, such as Plaintiff DYDZAK.

11 38. During the time-frame of the fall of 2008, Defendants,  
12 CALIFORNIA SUPREME COURT JUSTICES, including Defendant GEORGE,  
13 were well aware that a case involving Defendant HOWARD, RICE,  
14 which Defendant SELEGUE was arguing, was before said Court for  
15 argument and ruling, to wit, Schatz v. Allan Matkins Leek Gamble  
16 & Mallory, LLP. Plaintiff is informed and believes, and thereon  
17 alleges, that the ruling in said litigation was reached on  
18 January 26, 2009. In derogation and violation of their ethical  
19 duties and responsibilities, and raising an undeniable conflict  
20 of interest, or the appearance of same, Defendants, CALIFORNIA  
21 SUPREME COURT JUSTICES, including Defendant GEORGE, failed to  
22 reveal at any time to DYDZAK that their consideration of this  
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26 DYDZAK V. GEORGE


COMPLAINT



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3 case would or reasonably could prejudice their review and  
4 adjudication of his interlocutory writ in or about November,  
5 2008. DYDZAK was making serious allegations about the misconduct  
6 of Defendants HOWARD, RICE, BURK and MILES, yet Defendants,  
7 CALIFORNIA SUPREME COURT JUSTICES, with bias, illegally and  
8 unfairly chose to hear Schatz on the merits and provide written  
9 decision and oral argument, while flushing DYDZAK's aforesaid  
10 interlocutory writ into the judicial toilet. Denial of said writ  
11 sacrificed DYDZAK's legal rights and ability to earn a living,  
12 placed him in destitute state, ruined his reputation, and  
13 jeopardized his marriage.

14 39. In the fall of 2008, and at all other times relevant  
15 thereto, San Francisco-based Defendant HOWARD, RICE bragged in  
16 its marketing that several cases it handles or has worked on are  
17 routinely before Defendant SUPREME COURT OF CALIFORNIA  
18 Defendant HOWARD, RICE has, and had at all relevant times  
19 hereto, a politically correct status and reputation for clients  
20 as an influential, establishment law firm which could be called  
21 upon to represent their legal interests before Defendant SUPREME  
22 COURT OF CALIFORNIA and Defendants, CALIFORNIA SUPREME COURT  
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26 DYDZAK V. GEORGE

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COMPLAINT

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3 JUSTICES. It is clear from the illegal cover-up for Defendant  
4 MILES, a former clerk with Defendant SUPREME COURT OF  
5 CALIFORNIA, that the latter and the justices thereof favor  
6 judges and big, well-connected law firms over Plaintiff's  
7 attorneys, small law firms and sole practitioners.

8 40. Plaintiff is informed and believes, and thereon  
9 alleges, that Defendant HOWARD, RICE regularly makes monetary  
10 contributions to the California State Bar Foundation and that  
11 certain of its partners/directors have been or are appointed  
12 members of the Judicial Council headed by Defendant GEORGE.  
13 Furthermore, Plaintiff is informed and believes, and thereon  
14 alleges, that in the Bay area Defendants, HOWARD RICE ATTORNEYS,  
15 and other attorneys employed by Defendant HOWARD, RICE are so  
16 socially and in legal circles intimately connected to Defendant  
17 GEORGE and the other Associate Justices of Defendant SUPREME  
18 COURT OF CALIFORNIA, that this interaction clearly affected,  
19 influenced and prejudiced the latter's review of DYDZAK's  
20 disciplinary case.

21 41. In his state bar court case, DYDZAK filed subsequent,  
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26 DYDZAK V. GEORGE

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-10-  
COMPLAINT

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3 numerous and bonafide motions in the Review Department of  
4 Defendant COURT and approximately five interlocutory petitions  
5 for review before Defendant SUPREME COURT OF CALIFORNIA. These  
6 included but were not limited to the issue of disqualifying  
7 Defendant MILES and the Review Judges and setting aside his  
8 decision of August 5, 2008, as void or voidable due to bias,  
9 prejudice or conflict of interest, or the appearance of same.  
10 The Supreme Court denied the Writs summarily, not ruling on the  
11 merits. The Review Judges, in particular, Defendants REMKE,  
12 PURCELL and EPSTEIN, continued to wrongfully and unethically  
13 rule on their own disqualification and strike key pleadings and  
14 evidence from the state bar record. They willfully perjured  
15 themselves by falsely claiming they did not know about being  
16 formally investigated by the Judicial Performance Committee of  
17 the State of California (which investigation was ongoing at that  
18 time), being served with motions, and being sued in federal  
19 court by Plaintiff, a case which was dismissed without prejudice  
20 on or about January 26, 2010 by the Ninth Circuit Court of  
21 Appeals on procedural grounds. A subsequently refiled lawsuit is  
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26 DYDZAK V. GEORGE

COMPLAINT

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3 now pending before the Ninth Circuit.

4       42. In or about October, 2008, DYDZAK found out that two  
5 partners/directors with Defendant HOWARD, RICE, Defendants  
6 HAUSMAN and SELEGUE, had illegally gained access to Defendant  
7 MILES' tainted bar decision and attached it with a sworn and  
8 dated Declaration as an Exhibit in one of the Staz LASC cases on  
9 or about September 27, 2008. Said attorneys never duly and  
10 properly paid for or ordered same from the Clerk's Office of  
11 Defendant COURT. Since said decision was not posted on the  
12 internet until January or February, 2009, this "smoking gun"  
13 factor proved that Defendant MILES and/or agents/employees of  
14 Defendant COURT had impermissibly and unlawfully communicated  
15 with Defendants SELEGUE, HAUSMAN and other HOWARD, RICE  
16 personnel and lawyers about DYDZAK's bar disciplinary  
17 proceeding. This evidenced an actual bias, prejudice and/or  
18 conflict of interest, or the appearance of same, by Defendant  
19 MILES, mandating his disqualification and the setting aside and  
20 reversing of his decision dated August 5, 2008.

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22       43. To date, despite demand therefor from DYDZAK, neither  
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26 DYDZAK V. GEORGE

COMPLAINT

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3 Defendants SELEGUE, HAUSMAN nor HOWARD RICE have produced  
4 credible evidence that they, or any of them, properly received a  
5 copy of MILES' decision lawfully. Plaintiff is informed and  
6 believes. and thereon alleges, that Defendant MILES in or about  
7 July, August and September, 2008, had improper telephonic  
8 communications with Defendants BURK, SELEGUE, HAUSMAN and other  
9 HOWARD, RICE personnel concerning and affecting DYDZAK's  
10 disciplinary case and the disqualification issues of Defendant  
11 MILES thereto. Defendant MILES has failed and refused, and  
12 continues to fail and refuse, to produce his telephonic records  
13 during this time frame which would prove he did communicate  
14 with the aforesaid individuals.

15 44. On or about December 3, 2009, the Review Department of  
16 Defendant COURT, despite a flagrant and disturbing pattern of  
17 numerous acts of bias, prejudice and conflict of interest (or  
18 the appearance of same), and numerous constitutional and civil  
19 rights violations by Defendants MILES, REMKE, PURCELL, STOVITZ,  
20 EPSTEIN, McELROY and ARMENDARIZ and the other Defendants, as  
21 herein alleged, affirmed and modified Defendant MILES' tainted,  
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26 DYDZAK V. GEORGE

COMPLAINT

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4 biased and unlawful decision by issuing an Opinion and Order on  
5 Review recommending DYDZAK's disbarment. Defendants REMKE,  
6 EPSTEIN and PURCELL had no jurisdiction to issue such an Opinion  
7 and Order On Review on the aforesaid date since there was a Writ  
8 pending before the California Supreme Court.

9 45. On or about January 25, 2010, Charles Nettles, a deputy  
10 court clerk with Defendant COURT, and Michelle Cramton, a State  
11 Bar Administrator, were directed by Defendants REMKE, PURCELL  
12 and EPSTEIN of the Review Department to transmit its unfair,  
13 unlawful, and biased recommended decision of disbarment to the  
14 California Supreme Court. Upon information and belief, on or  
15 about January 27, 2010, Mr. Nettles and Ms. Cramton unlawfully  
16 and unconstitutionally served notice of said Transmittal of  
17 State Bar Court Recommendation, despite the fact that the Review  
18 Judges should have disqualified themselves and DYDZAK had not  
19 duly exhausted his post-decision remedies before petitioning  
20 Defendant SUPREME COURT OF CALIFORNIA.

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22 46. On or about January 27, 2010, Defendant BAR, by and  
23 through the Office of Chief Trial Counsel, and Mr. Nettles  
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26 DYDZAK V. GEORGE

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COMPLAINT

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3 also served by mail a certificate of costs in DYDZAK's state bar  
4 disciplinary case, Case No. 04-0-14383, 06-0-10960. This  
5 included an unconscionable, unlawful, vague, unconstitutional  
6 and excessive "base charge" assessment and other alleged costs  
7 totaling \$ 15,209.31 which are being sought against DYDZAK. The  
8 base assessment in question evidences that Defendants COURT, BAR  
9 and BOARD and Defendant JUDGES and employees/agents have a  
10 biased incentive and agenda to prosecute attorneys such as  
11 Plaintiff to reap an unjust windfall for themselves and  
12 perpetuate the Bar bureaucracy. In DYDZAK's disciplinary matter,  
13 the Defendant Judges could and cannot be fair and impartial when  
14 there is, and was at all times herein mentioned, a clear-cut  
15 economic incentive for them to discipline attorneys.

16  
17 47. At all times relevant hereto, and continuing to the  
18 present, a series of internet articles at the Leslie Brodie blog  
19 and other easily accessible world-wide web sources have exposed  
20 numerous instances of misconduct and unfortunate judicial  
21 corruption by State Bar Court Judges. For instance, former State  
22 Bar Judge, Defendant STOVITZ, continued to make rulings as a  
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26 DYDZAK V. GEORGE

COMPLAINT

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4 Judge Pro Tem when he had no judicial mandate to do so from the  
5 Supreme Court of California. In another matter, Review Judge  
6 EPSTEIN used her influence to obtain a favorable disciplinary  
7 resolution for a former associate of her defunct law firm.

8 48. Community activist and actor, PERRY F. CARAVELLO, has  
9 lodged a formal complaint on or about July 26, 2010, with the  
10 Committee on Judicial Performance of the State of California  
11 concerning misconduct by Defendant GEORGE. For instance,  
12 CARAVELLO alleges that Defendant GEORGE flagrantly and  
13 unethically received illegal payments from Los Angeles County  
14 of approximately \$ 30,000 per annum while he was a Los Angeles  
15 Superior Court Judge and did not report such payments on  
16 required Form 700. Defendant GEORGE continued to turn a blind  
17 eye to said illegal payments when he was appointed to the  
18 Supreme Court of California. Such actions resulted in California  
19 taxpayers being defrauded of more than \$ 300 million dollars  
20 over a twenty-year period. This situation has been documented in  
21 the well-known case of incarcerated Richard Fine, a disbarred  
22 attorney who exposed said bribery and corruption and claims he  
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26 DYDZAK V. GEORGE

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COMPLAINT



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3 is being politically persecuted for his stance.

4 49. Defendants MATZ, FEESS, KLAUSNER, MORROW, PHILLIPS, WU,  
5 COLLINS and ROSENBERG, beginning November 25, 2008, and  
6 continuing to the present, violated DYDZAK's civil and  
7 constitutional rights by conspiring, individually and in  
8 concert, to protect the Defendant Judges of the State Bar Court  
9 and Review Department, as well as certain bar officials and  
10 agents, from liability and a finding that DYDZAK's civil and  
11 constitutional rights were violated, as herein alleged. Said  
12 federal judges and magistrate engaged, without limitation, in  
13 the following unlawful and wrongful conduct:

14 (i) In federal lawsuits, DYDZAK v. STATE OF CALIFORNIA et  
15 al. (CV 08-7765-VAP-AGR), DYDZAK v. REMKE et al. (CV 10-828-UA  
16 (AGR)), and DYDZAK v. REMKE et al. (CV 10-1297- AHM(AGRx)) not  
17 allowing DYDZAK to prosecute said cases, conduct discovery,  
18 grant appropriate declaratory and injunctive relief, and obtain  
19 a waiver of the filing fee due to DYDZAK's indigent status in  
20 order to protect the State Bar and State Bar Court Defendants  
21 named herein, particularly state judges and state officials;

22 (ii) Falsely claiming that the cases were barred by the  
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26 DYDZAK V. GEORGE

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-21-  
COMPLAINT

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3 doctrines of federal abstention and quasi-judicial and judicial  
4 immunity, in order to protect the State Bar and State Bar Court  
5 Defendants named herein, particularly state judges and state  
6 officials;

7 (iii) Unilaterally taking the case of DYDZAK v. REMKE et al.  
8 (CV 10-1297) from fair and principled United States District  
9 Judge, PERCY ANDERSON, who discharged an OSC and properly ruled  
10 that the case was not barred by res judicata and presented  
11 triable issues not barred by federal abstention;

12 (iv) Unilaterally and illegally not allowing principled and  
13 fair U.S. District Judge PERCY ANDERSON to issue appropriate  
14 declaratory and injunctive relief to DYDZAK by "politically"  
15 reassigning Case No. CV 10-1297, by senior judge Defendant  
16 FEESS, to U.S. District Judge, Defendant MATZ and Defendant-  
17 Magistrate ROSENBERG. The latters' proven track record and  
18 biased modus operandi are, and have been at all times herein  
19 mentioned, to rule against DYDZAK, no matter what the facts and  
20 evidentiary record are, to ensure that he was disbarred to  
21 protect the illegal actions and conduct of Defendants herein.

22 (v) Defendant COLLINS, as chief judge of the United States  
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26 DYDZAK V. GEORGE

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COMPLAINT

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3 District Court for the Central District of California,  
4 repeatedly condoning the pattern of misconduct and violation of  
5 DYDZAK's civil and constitutional rights engaged in by certain  
6 federal judges in her judicial district, notably Defendants  
7 PHILLIPS and ROSENBERG; further denying access by DYDZAK to the  
8 Central District Court by illegally denying him a waiver of a  
9 filing fee despite his clearly indigent status on bogus,  
10 deliberately misstated legal grounds.

11 (vi) Violating DYDZAK's due process and equal protection  
12 rights guaranteed by the 5<sup>th</sup> and 14<sup>th</sup> Amendments, and other  
13 applicable law, so that DYDZAK could not have his day in court,  
14 a trial on the merits, thereby depriving DYDZAK of practicing  
15 law and unfairly and illegally leading to his disbarment at  
16 present.

17 (vii) Denying DYDZAK oral argument, a trial on the merits  
18 and appropriate injunctive and declaratory relief, because of  
19 their bias, inability and reluctance to rule against any judge  
20 in the California judiciary and uphold the Rule of Law.

21 (viii) Striking key pleadings from the record, issuing  
22 certain rulings without jurisdiction, not disqualifying  
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26 DYDZAK V. GEORGE

COMPLAINT

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3 themselves despite a showing of bias or appearance of same, and  
4 deliberately misstating the evidentiary record, rulings and  
5 pleadings.

6 (ix) Intentionally delaying and making adverse rulings and  
7 not allowing DYDZAK a waiver of the filing fee for Case No. CV  
8 10-828-UA (AGR) to retaliate against DYDZAK for exposing the  
9 bias and prejudice of Defendants ROSENBERG and PHILLIPS before  
10 the Ninth Circuit Court of Appeals and Associate Justice Stephen  
11 Breyer of the United States Supreme Court.

12 (x) Chief United States District Judge, Defendant COLLINS,  
13 willfully and intentionally condoning the unlawful actions of  
14 certain Judges of the United States Central District as well as  
15 the named Defendants, by on February 11, 2010: (a) falsely  
16 ruling in Case No. CV 10-828-UA (AGR) that the case failed to  
17 state a claim for relief and that judges and clerks enjoyed  
18 immunity; (b) refusing a waiver of the filing fee despite  
19 DYDZAK's indigent status against his due process rights.

20 (xi) Chief United States District Judge Defendant COLLINS  
21 willfully and intentionally trying to intimidate DYDZAK by  
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26 DYDZAK V. GEORGE

COMPLAINT

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4 having an U.S. Marshall contact him telephonically in or about  
5 March, 2010. Said Marshall at COLLINS' insistence falsely  
6 claimed that DYDZAK had allegedly mistreated federal court  
7 staff when he had not. DYDZAK had instead simply exercised his  
8 First Amendment Right of Expression when politely talking to  
9 said staff.

10 (xii) The aforesaid federal judges except on one occasion  
11 violating the California and U.S. Constitutions, and DYDZAK's  
12 civil rights, by repeatedly not allowing DYDZAK to make an  
13 evidentiary record through oral argument. So the politics of  
14 the sensitive subject matter of this litigation can be hidden  
15 from the press and public at large, DYDZAK has been refused  
16 without justification oral argument for any dispositive motion  
17 before any U.S. District Judge, against his constitutional  
18 and civil rights.

19 50. Beginning on or about August 5, 2008, and continuing to  
20 the present, the State Bar and State Bar Judge Defendants, and  
21 each of them, violated DYDZAK's civil and constitutional rights,  
22 including but not limited to a fair trial and post-trial  
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26 DYDZAK V. GEORGE

COMPLAINT

proceedings, by the following, without limitation:

(i) Defendant MILES and then the Review Judges not setting aside Defendant MILES' decision of August 5, 2008, contrary to the 5<sup>th</sup> and 14<sup>th</sup> Amendments and other applicable law, since same is void and/or voidable due to bias, prejudice, conflict of interest or the appearance of same;

(ii) Not providing DYDZAK a fair trial and post-trial proceedings as guaranteed by the 5<sup>th</sup> and 14<sup>th</sup> Amendments and other applicable law;

(iii) Not disqualifying Defendant MILES due to his actual prejudice, bias and conflict of interest against DYDZAK or the appearance of same;

(iv) Improperly upholding Defendant MILES' ruling on his own disqualification;

(v) Defendant MILES willfully perjuring himself as a judicial officer in violation of the Canons of Ethics, falsely claiming in his decision that he was not served with disqualification pleadings when he was as required by statute;

(vi) Not reinstating DYDZAK to active status retroactively as a licensed attorney, knowing that his

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DYDZAK V. GEORGE

COMPLAINT



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3 DYDZAK's professional work primarily as a Plaintiff's attorney.

4 (xiv) Defendant MILES not disqualifying himself and writing  
5 a biased decision against DYDZAK when this judge knew or was  
6 aware that DYDZAK represented Shanel Stasz in two pending LASC  
7 lawsuits, which exposed his long-time friend and prior partner,  
8 Bernard Burk, former law firm, HOWARD, RICE, as well as  
9 prominent clients such as Charles Schwab & Co., Charles Schwab  
10 and the Hugo Quakenbush Trust and Estate to major multimillion  
11 dollar liability.

12 (xv) Defendant MILES not disqualifying himself and writing a  
13 biased decision against DYDZAK when a sworn Declaration from  
14 Sean Selegue, Esq. dated September 26, 2008, provides  
15 irrefutable evidence of contacts and communications of attorneys  
16 SELEGUE and HAUSMAN obtaining key pleadings from Defendant COURT  
17 without ordering or paying for same. Defendant SELEGUE had  
18 physical possession of the Miles' decision dated August 5, 2008,  
19 many months before it was posted on the internet and did not  
20 order or pay for same. Defendants SELEGUE and HAUSMAN were  
21 intimately familiar with DYDZAK's disciplinary proceedings,  
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26 DYDZAK V. GEORGE

COMPLAINT



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3 which shows that this information was provided to them by  
4 Defendant MILES and agents/employees of Defendant COURT under  
5 his control or supervision.

6 (xvi) Defendant MILES having an actual conflict of interest,  
7 prejudice or bias, or the appearance of same, and improperly,  
8 unethically and unlawfully ruling on his own disqualification.  
9 The Motion for Disqualification in question was filed on August  
10 15, 2008. Judge MILES illegally ruled on his own  
11 disqualification on August 20, 2008, in derogation of his duties  
12 and responsibilities as a judicial officer.

13 (xvii) Defendant MILES' very act of ruling on his own  
14 disqualification and unlawfully and unethically striking  
15 DYDZAK's meritorious disqualification motion from the record  
16 shows he had and has an actual bias, prejudice or conflict of  
17 interest, or the appearance of same. Such conduct violated  
18 DYDZAK's civil and constitutional rights as well as Section  
19 106(e)(4) of the State Bar Rules of Procedure, C.C.P. Section  
20 170.1(a)(6) and Canon 3C(1) of California's judicial ethics.

21 (xviii) Presiding and Review Judge REMKE and Supervising  
22 Judge McELROY unconstitutionally and unlawfully taking more than  
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26 DYDZAK V. GEORGE

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two weeks (until September 5, 2008) to act on the disqualification issue of Defendant MILES.

(xix) Defendant McELROY violating her judicial duties and unethically and unlawfully acting in ruling on the Reconsideration Motion concerning Judge MILES' disqualification and the striking of his disqualification motion. Defendant McELROY had an actual and inherent conflict of interest, prejudice and bias, or the appearance of same, because (1) she was specifically requested in writing not to rule on same because she was the original trial judge; and (2) she was the original trial judge who transferred the case to Judge MILES, and as such had preconceived conceptions and ideas about DYDZAK and the MILES' decision which would not allow her to be impartial and unbiased.

(xx) On or about September 25, 2008, Review Department Judges ruling en banc on the disqualification of Defendant MILES, summarily denying same. This action was biased, violated DYDZAK's civil rights and was unconstitutional for a number of reasons: (1) There was an unnecessary and improper 40-day delay

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DYDZAK V. GEORGE

COMPLAINT

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3 against due process; (2) The Review Department did not require  
4 the State Bar of California to brief the disqualification issue;  
5 (3) DYDZAK was not afforded oral argument; (4) The Review  
6 Department did not issue a sufficiently detailed decision to  
7 explain itself; (5) Presiding Judge REMKE should not have been a  
8 member of the Review Department, because of her inherent and  
9 actual conflict of interest and bias, or the appearance of same,  
10 being both the Presiding Judge and the Review Judge. (6) Judge  
11 REMKE should not have ruled on behalf of the Review Department,  
12 because of her extensive involvement in the disqualification  
13 matter at the hearing department stage.

14 (xxi) The Review Petition for Interlocutory Relief re the  
15 Disqualification of Defendant MILES was impermissibly  
16 intercepted and reviewed by Supervising Judge McELROY and this  
17 delayed the filing thereof.

18 (xxii) Judge MILES perjured himself in a court pleading  
19 denying the disqualification and striking the disqualification  
20 motion by falsely claiming that he was not served with  
21 disqualification pleadings, even though his clerks have always  
22 accepted all disqualification pleadings for him per statutory  
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26 DYDZAK V. GEORGE

COMPLAINT

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3 requirements and as attested to by Anthony Rogell in sworn  
4 Declarations which are part of the record.

5 (xxiii) The Notice of Disciplinary Charges involving DYDZAK  
6 did not properly notify him in writing that he could be placed  
7 on inactive status with no Order to Show Cause hearing, a  
8 violation of his civil rights and procedural and substantive due  
9 process.

10 (xxiv) DYDZAK was denied his right to a fair trial and in  
11 post-trial proceedings concerning the disqualification of  
12 Defendant MILES and the reversing or setting aside of MILES'  
13 decision dated August 5, 2008. Actual bias and the facts  
14 surrounding such disqualification mandated recusal of State Bar  
15 Judge MILES. The Stasz litigation, the timing of Defendant  
16 MILES' decision, his relationship with Bernard Burk, his law  
17 firm and their clients, Judge MILES' dishonesty re service and  
18 ruling on and striking his own disqualification more than met  
19 the state and federal law standard for disqualification.  
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21 (xxv) Defendant MILES not disqualifying himself and setting  
22 aside his decision of August 5, 2008, against DYDZAK, despite  
23 knowing about Stasz' litigation (LASC Case Nos. BC383161 and  
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26 DYDZAK V. GEORGE

COMPLAINT

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3 BC383162) whereby: (1) his long-time friend and former partner,  
4 Bernard Burk, was being sued for millions of dollars in damages  
5 and implicating HOWARD, RICE in major malfeasance and  
6 corruption; and (2) both cases involving the Estate and/or Trust  
7 of Hugo Quakenbush, the latter being the late co-founder of  
8 Charles Schwab & Co. and one of the law firm's, Burk's and  
9 MILES' long-time clients. MILES' decision was reached on August  
10 5, 2008, during the period of service on Burk.

11 (xxvi) DYDZAK being denied procedural and substantive due  
12 process and equal protection contrary to his civil rights and  
13 the 5<sup>th</sup> and 14<sup>th</sup> Amendments by being put on inactive status by  
14 Defendants MILES and COURT without a hearing or OSC.

15 (xxvii) Defendant MILES not disclosing at any time prior to  
16 his decision of August 5, 2008, his professional relationship  
17 and friendship with attorney Bernard Burk.

18 (xxviii) Defendant MILES not disqualifying himself and  
19 setting aside his decision of August 5, 2008, against DYDZAK,  
20 despite being aware of the STASZ litigation prior to DYDZAK's  
21 inactive status and that Bernard Burk, Esq. was displeased STASZ  
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26 DYDZAK V. GEORGE

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3 was pursuing legal claims against Burk and HOWARD, RICE clients.

4 (xxix) Upon receiving the original disqualification motion,  
5 Defendant MILES improperly did not give that motion to another  
6 State Bar Judge to rule upon as required by state bar rules of  
7 procedure, the canons of ethics and other applicable law.

8 (xxx) Defendant MILES not disqualifying himself and setting  
9 aside his decision of August 5, 2008, against DYDZAK, despite  
10 being a party to a federal lawsuit involving Plaintiff and the  
11 subject of a formal investigation of which he is and was aware.

12 (xxxii) Defendant MILES falsely and perjurally claiming that  
13 he was not duly served with disqualification pleadings when  
14 Anthony Rogell has provided sworn and dated Declarations that  
15 service was effectuated on said judge or his clerk, as required  
16 by statute, with regard to all such pleadings.

17 (xxxiii) At all relevant times, Defendants REMKE, EPSTEIN and  
18 PURCELL have refused to disqualify themselves in DYDZAK's  
19 disciplinary case despite being formally investigated and being  
20 parties and sued in a federal lawsuit involving Plaintiff.

21 (xxxiiii) Defendant MILES showing his bias by leaving out  
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26 DYDZAK V. GEORGE

COMPLAINT

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3 key evidence and exculpatory factors in his decision of August  
4 5, 2008 against DYDZAK, including failing to properly grant a  
5 dispositive motion to dismiss the LaFlamme count in the Notice  
6 of Disciplinary Charges.

7 (xxxiv) At all relevant times, Defendants REMKE, EPSTEIN and  
8 PURCELL have perjured themselves by falsely claiming they were  
9 unaware of being sued in federal court, formally investigated,  
10 and served with disqualification and other motions in DYDZAK's  
11 disciplinary case.

12 (xxxv) Defendant MILES and agents and employees of Defendant  
13 COURT having unlawful and improper communications and contacts  
14 with HOWARD, RICE attorneys, Sean Selegue, Kenneth Hausman and  
15 Bernard Burk, concerning DYDZAK's disciplinary case.

16 (xxxvi) Defendant MILES and agents and employees of  
17 Defendant COURT unlawfully and improperly providing information  
18 and pleadings to HOWARD RICE attorneys, Sean Selegue, Kenneth  
19 Hausman and Bernard Burk, concerning DYDZAK's disciplinary case.

20 (xxxvii) At all relevant times, Defendants REMKE, EPSTEIN  
21 and PURCELL unlawfully striking key motions, including  
22 disqualification motions, from the record in DYDZAK's  
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26 DYDZAK V. GEORGE

COMPLAINT

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3 disciplinary case, showing actual bias, prejudice and conflict  
4 of interest, or the appearance of same.

5 (xxxviii) At all relevant times, Defendant ARMENDARIZ  
6 wrongfully and unethically refusing to disqualify herself in  
7 DYDZAK' disciplinary case, and further wrongfully and  
8 unethically striking the disqualification motion concerning  
9 herself from the record in DYDZAK's disciplinary case.

10 (xxxix) On or about February 9, 2009, Defendants and State  
11 Bar Review Judges REMKE, EPSTEIN and PURCELL wrongfully "hiding"  
12 an Order denying their disqualification in duplicity and  
13 conspiracy with Case Administrator, ROSALIE RUIZ. The subject  
14 Order was filed on February 9, 2009, but not properly served on  
15 DYDZAK. Plaintiff was deliberately left off the service list.  
16 The Order with the doctored proof of service was sent to  
17 DYDZAK's former counsel, Edward Lear, but not DYDZAK. Only when  
18 DYDZAK filed a request for a ruling did he finally obtain the  
19 Order with two proofs of service affixed thereto.

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21 (xxxx) At all relevant times, the Review Judges improperly,  
22 unlawfully and deliberately did not rule on a second extension  
23 request by DYDZAK to pay for the reporter's transcript while  
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26 DYDZAK V. GEORGE

COMPLAINT



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3 subject to disqualification review by the California Supreme  
4 Court. They further unlawfully refused to disqualify themselves  
5 or refer the matter to the California Supreme Court or Judicial  
6 Council.

7 (xxxxi) In taking the actions herein described, DYDZAK's  
8 civil rights were violated as well as the 5<sup>th</sup> and 14<sup>th</sup> Amendments  
9 as well as Article 1, Section 7(a) of the Constitution of the  
10 State of California.

11 (xxxxii) In taking the actions herein described and not  
12 disqualifying themselves due to their actual bias, prejudice,  
13 conflict of interest, or the appearance of same, Defendants  
14 MILES, ARMENDARIZ, REMKE, STOVITZ, EPSTEIN, McELROY and PURCELL  
15 violated DYDZAK's civil rights.

16 (xxxxiii) In delaying ruling numerous times on DYDZAK's  
17 motions, as herein alleged, Plaintiff's civil rights were  
18 violated as well as Rule 1013 of the Rules of Procedure of the  
19 State Bar Court.

20 (xxxxiv) In not deciding and adjudicating matters fairly,  
21 correctly and efficiently, Defendants MILES, ARMENDARIZ, REMKE,  
22 STOVITZ, EPSTEIN, McELROY and PURCELL violated DYDZAK's civil  
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26 DYDZAK V. GEORGE

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COMPLAINT

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3 rights as well as Rule 1015 of the Rules of Procedure of the  
4 State Bar Court.

5 (xxxxv) In acting unfairly and unlawfully, as herein  
6 described, Defendants MILES, ARMENDARIZ, REMKE, STOVITZ, EPSTEIN,  
7 McELROY and PURCELL did not perform the duties of their office  
8 impartially and diligently. Such conduct violated DYDZAK's civil  
9 rights and Canon 3 of the California Code of Judicial Ethics.

10 (xxxxvi) The unlawful actions of Defendants MILES,  
11 ARMENDARIZ, REMKE, EPSTEIN, McELROY and PURCELL, in ruling on  
12 their own disqualification and not reinstating DYDZAK, have  
13 affected his career, standing in his former profession, his  
14 ability to earn a living, his former clients' cases, upcoming  
15 court proceedings and appearances, and contributed substantially  
16 to the demise of his marriage, now ending in divorce.

17 (xxxxvii) The unlawful non-service of the February 9, 2009  
18 Order for over a month violated DYDZAK's civil rights, due  
19 process and equal protection, and constituted judicial politics,  
20 unfairness and bias towards DYDZAK.

21 (xxxxviii) Placing DYDZAK on inactive status before all  
22 appellate remedies were pursued, and without an Order to Show  
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26 DYDZAK V. GEORGE

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COMPLAINT

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3 Cause hearing, violated DYDZAK's civil rights as well as Business  
4 and Professions Code, Sections 6077©(4) and 6083.

5 (xxxxix) DYDZAK was unconscionably, unlawfully and  
6 unconstitutionally assessed \$ 15,209.31 for alleged costs of  
7 prosecution in his disciplinary case. Such assessment  
8 demonstrates that Defendants COURT, BAR, BOARD, and the  
9 Defendant Judges, as well as Defendant Bar officials, employees  
10 and agents, have a predisposed economic incentive and bias to  
11 pursue disciplinary proceedings against attorneys such as  
12 DYDZAK, particularly sole practitioners and Plaintiff's  
13 attorneys, because of their pro-government political slant,  
14 desire to raise revenue for Defendant, BAR, COURT and BOARD, and  
15 perpetuate a bloated Bar bureaucracy.

16 (xxxxx) In inordinately delaying ruling on motions involving  
17 his disciplinary case, DYDZAK's civil rights were violated as  
18 well as his due process right to reasonable and speedy  
19 adjudication contrary to the 5<sup>th</sup>, 6<sup>th</sup> and 14<sup>th</sup> Amendments.  
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21 (xxxxxi) At all relevant times, Defendant RUIZ engaged in  
22 preparing, dating and signing fraudulent proofs of service on  
23 behalf of Defendants COURT, REMKE, EPSTEIN and PURCELL, in order  
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26 DYDZAK V. GEORGE

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26 COMPLAINT

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3 that DYDZAK would not receive pleadings timely and to prejudice  
4 his rights.

5 (xxxxxii) Defendants, COURT, REMKE, PURCELL and EPSTEIN,  
6 unlawfully and against procedural and substantive due process,  
7 held oral argument in DYDZAK's disciplinary case when they had  
8 no jurisdiction to do so, by virtue of their being pending Writs  
9 to the California Supreme Court and their being subject to  
10 disqualification.

11 (xxxxxiii) At all relevant times, CHARLENE FOSTER, an  
12 employee of Defendant BAR, in conspiracy and duplicity with BAR  
13 attorney, Danielle Lee, Esq. perjured herself on a proof of  
14 service, so that DYDZAK would be prejudiced in his receipt of  
15 opposition papers filed in his prior federal lawsuit.

16 (xxxxxiv) In or about December, 2009, and January, 2010,  
17 and on other previous occasions, Defendants REMKE, EPSTEIN and  
18 PURCELL struck major motions and evidence from the record in  
19 DYDZAK's disciplinary case, as well as improperly and unlawfully  
20 ruled on their own disqualification, showing their outright bias  
21 and hostility towards DYDZAK.

22 (xxxxxv) The pattern of delaying ruling by Defendants  
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26 DYDZAK V. GEORGE

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COMPLAINT

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3 MILES, REMKE, EPSTEIN, PURCELL, STOVITZ and McELROY, violated  
4 DYDZAK's civil rights and to be reinstated as an active member  
5 of the State Bar of California so that he could earn a living.

6 (xxxxxvi) The Orders and decisions of Defendants COURT,  
7 MILES, REMKE, EPSTEIN, PURCELL, STOVITZ and McELROY, demonstrate  
8 bias, prejudice and conflict of interest, or the appearance of  
9 same, to such an extent that they are void or voidable and  
10 violate DYDZAK's constitutional and civil rights.

11 (xxxxxvii) The State Bar Rules of Procedure and State Bar  
12 Act violate DYDZAK's constitutional rights, and are  
13 unconstitutional on their face, insofar as the Presiding Judge  
14 has adjudicatory functions over both the Hearing Department and  
15 Review Department. As Presiding Judge, Defendant REMKE received  
16 pleadings, papers, letters and other authority at the Hearing  
17 Department stage concerning the disqualification of Judge MILES.  
18 It was consequently improper and unlawful for her to be a member  
19 of the Review Department in ruling against DYDZAK. Defendant  
20 REMKE had an actual prejudice, conflict of interest or bias, or  
21 the appearance of same, as a direct, proximate and legal result  
22 thereof.  
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(xxxxxviii) At all relevant times, Defendants REMKE, EPSTEIN and PURCELL unlawfully issued Orders and the Opinion on Review and Order on December 3, 2009, when they had no jurisdiction to do so as Writs were pending before the California Supreme Court and had not been adjudicated.

51. In summarily disbarring DYDZAK, without written decision on the merits and not affording DYDZAK oral argument and briefing, Defendants SUPREME COURT OF CALIFORNIA and CALIFORNIA SUPREME COURT JUSTICES violated DYDZAK's civil and constitutional rights, including but not limited to violating the Supremacy Clause of the U.S. Constitution and the due process and equal protection clauses of the U.S. and California Constitutions. Furthermore, in not disclosing their relationship with HOWARD RICE and SELEGUE, and not respecting the Rule of Law towards DYDZAK, said Defendants, and each of them, unlawfully covered up for the corruption of the California Judiciary and certain State Bar Court and Review Judges, particularly the misconduct and malfeasance of Defendant MILES, as hereinbefore alleged.

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DYDZAK V. GEORGE

COMPLAINT

**FIRST CAUSE OF ACTION**  
**(DEPRIVATION OF RIGHTS UNDER COLOR OF STATE LAW)**  
**(AGAINST ALL NAMED DEFENDANTS OTHER THAN**  
**HOWARD, RICE, BURK, SELEGUE AND HAUSMAN)**

52. Plaintiff refers to and incorporates, as though fully set forth herein, the preceding Preliminary Allegations and Paragraphs of the Complaint, including Paragraphs 1 through 51, inclusive.

53. This is an action for deprivation of constitutional rights under color of state law brought pursuant to the recodification Section 1979 of the Civil Rights Act of 1971, Title 42 United States Code, Section 1983, for remedies for Defendants' deprivation of Plaintiff's civil rights. Through this action, Plaintiff seeks all legal and equitable relief to which he may be entitled, including, but not limited to compensatory and punitive damages, attorney's fees and costs, prejudgment interest, and injunctive relief against the aforementioned Defendants and each of them.

54. Defendants, and each of them, have engaged in the

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COMPLAINT

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3 unlawful and wrongful conduct and acts herein alleged, and  
4 thereby violated his civil rights.

5 55. At all times herein mentioned, Plaintiff was, and now  
6 is, a resident of Los Angeles County, State of California.

7 56. At all times herein mentioned, Defendants, and each of  
8 them, acted under color of their authority as such in doing all  
9 the things herein mentioned and taking the actions herein  
10 alleged.

11 57. In taking the actions herein alleged, Defendants  
12 acted, and continue to act, under color of and pursuant to the  
13 laws, statutes, ordinances, regulations, customs, and usages of  
14 the State of California, the State Bar of California, and the  
15 the State Bar Court and pursuant to the official policies and  
16 practices of said Defendants.

17 58. By reason of the aforesaid conduct of Defendants and  
18 each of them, Plaintiff was deprived of rights, privileges, and  
19 immunities secured to him by the Constitution of the United  
20 States and laws enacted thereunder in that the unlawful,  
21 wrongful and oppressive conduct herein alleged amounted to an  
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3 arbitrary, vindictive, malicious and unprofessional intrusion by  
4 Defendants into the security, safety and well-being of  
5 Plaintiff's privacy, person, and livelihood and were not  
6 authorized by law. Furthermore, the herein described civil  
7 rights violations and unlawful and wrongful actions to  
8 Plaintiff's person and livelihood and deprived Plaintiff of  
9 liberty and property without due process of law, including the  
10 ability to practice law as an active member of the State Bar of  
11 California.

12 59. Jurisdiction of the subject matter of this action is  
13 established in this Court under Title 28 of the United States  
14 Code, Section 1343.

15 60. As a direct, legal and proximate result of Defendants'  
16 actions against Plaintiff, as alleged above, Plaintiff has been  
17 harmed in that Plaintiff was injured, subjected to humiliation,  
18 indignity, undue emotional trauma and stress and prevented from  
19 transacting and attending to his normal business and personal  
20 affairs. Plaintiff suffered great physical and mental pain and  
21 suffering, all to his general damage in an amount according to  
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DYDZAK V. GEORGE

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COMPLAINT

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3 proof at or before trial.

4 61. As a direct, legal and proximate result of the  
5 Defendants' actions and conduct, Plaintiff has also incurred  
6 special damages and medical expenses, in an amount according to  
7 proof at or before trial.

8 62. The above-recited actions of Defendants, and each of  
9 them, in depriving Plaintiff of his constitutionally protected  
10 rights were done with evil motive and intent, maliciously and  
11 with reckless or callous indifference to Plaintiff's rights.  
12 Plaintiff is therefore entitled to an award of exemplary or  
13 punitive damages, according to proof.

14 63. Plaintiff is informed and believes, and thereon  
15 alleges, that Defendants will continue in their unlawful  
16 conduct, unless and until restrained by the Court. If Defendants  
17 are not restrained, as specified below, Plaintiff will sustain  
18 immediate and irreparable injury, loss, and damage in that  
19 Plaintiff will continue to experience and suffer from the fear  
20 of additional, unwarranted scrutiny and will continue to suffer  
21 humiliation and indignity, as well as great physical and mental  
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COMPLAINT

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3 pain and suffering, resulting from Defendants' ongoing  
4 deprivation of his rights, including but not limited to his  
5 right to practice law as an active member of the State Bar of  
6 California.

7 64. Plaintiff has duly exhausted state law remedies  
8 available to him prior to filing suit, including approximately  
9 five Writs of Review to the California Supreme Court which were  
10 denied without prejudice and without a hearing on the merits.

11 65. Therefore, Plaintiff requests the following injunctive  
12 relief, equitable relief, declaratory relief and other legal  
13 relief against Defendants and each of them, to wit:

14 1. That it is adjudged and decreed that DYDZAK's  
15 constitutional rights and civil rights were violated, and  
16 continue to be violated, by Defendants, and each of them, as  
17 herein alleged, particularly due to the failure by Defendant  
18 MILES, Defendant COURT and the individual Defendant Judges of  
19 the State Bar Court and Review Department to disqualify  
20 Defendant MILES and set aside his decision of August 5, 2008;

21 2. That the decision of August 5, 2008, by Defendant  
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26 DYDZAK V. GEORGE

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-54-  
COMPLAINT

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3 MILES recommending DYDZAK's disbarment be set aside as void or  
4 voidable based upon violation of DYDZAK's civil and  
5 constitutional rights, and based upon DYDZAK's showing of  
6 unclean hands, judicial misconduct, government misconduct, bias,  
7 prejudice and conflict of interest or the appearance of same, by  
8 Defendants and each of them.

9           3. That the Opinion on Review and Order filed  
10 December 3, 2009, by Defendants REMKE, EPSTEIN and PURCELL be  
11 set aside as void or voidable based upon violation of DYDZAK's  
12 civil and constitutional rights, and based upon DYDZAK's showing  
13 of unclean hands, judicial misconduct, government misconduct,  
14 bias, prejudice and conflict of interest or the appearance of  
15 same, by Defendants and each of them.

16           4. That the Transmittal of State Bar Court  
17 Recommendation, imposition of costs and proposed Order to the  
18 California Supreme Court recommending DYDZAK's disbarment by  
19 Defendant COURT be set aside, stricken or reversed based upon  
20 violation of DYDZAK's civil and constitutional rights, and based  
21 upon DYDZAK's showing of unclean hands, judicial misconduct,  
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26 DYDZAK V. GEORGE

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COMPLAINT

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3 government misconduct, bias, prejudice and conflict of interest  
4 or the appearance of same, by Defendants and each of them.

5           5. That the Order entered on or about May 12, 2010, or  
6 any other Order by Defendant SUPREME COURT OF CALIFORNIA and  
7 Defendants CALIFORNIA SUPREME COURT JUDGES, disbaring DYDZAK  
8 from the practice of law in California, imposing disciplinary  
9 costs, and striking his name from the roll of attorneys be set  
10 aside, stricken or reversed based upon violation of DYDZAK's  
11 civil and constitutional rights, and based upon DYDZAK's showing  
12 of unclean hands, judicial misconduct, government misconduct,  
13 bias, prejudice and conflict of interest or the appearance of  
14 same, by Defendants and each of them.

15           6. That DYDZAK be restored to active status  
16 forthwith and retroactively as of August 5, 2008, as a member of  
17 the State Bar of California due to the aforesaid wrongful and  
18 unlawful conduct and violation of his civil and constitutional  
19 rights;

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21           That the State Bar Court and Review Department,  
22 and any of the named Defendant Judges of said Court and Review  
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26 DYDZAK V. GEORGE

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COMPLAINT

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3 Department, be prevented, disqualified and enjoined from ruling  
4 on any legal matters involving the discipline of DYDZAK  
5 retroactively, presently and in the future due to their past and  
6 ongoing civil and constitutional rights violations towards him;

7           7. That this Court issue appropriate injunctive  
8 relief in the form of a Temporary Restraining Order, Preliminary  
9 Injunction or Permanent Injunction, or whatever similar  
10 equitable relief it believes is appropriate and legal to protect  
11 Plaintiff's civil, legal and constitutional rights;

12           8. That this Honorable Court appoint an independent  
13 federal judge or other appropriate body outside the State Bar  
14 Court and Review Department to adjudicate, hear, settle and  
15 resolve any disciplinary matters involving DYDZAK due to the  
16 past and ongoing violation of his civil and constitutional  
17 rights by Defendants and each of them.

18           9. That the entire Chief Trial Counsel's Office and  
19 Office of General Counsel of the State Bar of California,  
20 including but not limited to Eli Mortgenstern, Scott Drexel,  
21 Augustus Hernandez, Janet Hunt, Victoria Malloy, and Danielle  
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26 DYDZAK V. GEORGE

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COMPLAINT

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3 Lee, be enjoined and disqualified from being involved in any  
4 disciplinary matters involving DYDZAK because of their past and  
5 ongoing violation of DYDZAK's civil and constitutional rights  
6 and clear bias, prejudice, conflict of interest and animosity  
7 towards him, without foundation.

8           10. That there be a declaration that Plaintiff's right  
9 to a fair trial and post-trial proceedings were violated along  
10 with other civil, legal and constitutional rights by Defendants  
11 and each of them.

12           11. That Defendants MATZ, FEESS, KLAUSNER, MORROW, WU,  
13 PHILLIPS, ROSENBERG and COLLINS be enjoined from hearing and  
14 adjudicating any issue and aspect of the within action due to  
15 their bias, prejudice, and conflict of interest, or the  
16 appearance of same.

17           12. That DYDZAK be granted appropriate declaratory relief,  
18 in order to protect his civil and constitutional rights and  
19 remedy the unlawful actions and conduct alleged herein, and  
20 allow him to practice law forthwith in the State of California.  
21

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23 **SECOND CAUSE OF ACTION**

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26 DYDZAK V. GEORGE

COMPLAINT

**(INTENTIONAL INTERFERENCE WITH ECONOMIC RELATIONS)**  
**(AGAINST DEFENDANTS BURK, SELEGUE AND HAUSMAN)**

66. Plaintiff refers to and incorporates by reference herein Paragraphs 1 through 65, inclusive, of this Complaint, as though fully set forth herein.

67. On August 8, 2008, and at all other relevant times hereto, there existed an economic relationship between DYDZAK and SHANEL STASZ by virtue of their attorney-client agreement whereby DYDZAK agreed to represent STASZ in her LASC litigation, as hereinbefore alleged and described. STASZ agreed that DYDZAK would receive as attorney's fees 1/3 of any gross recovery, either by judgment or settlement, in her LASC litigation.

68. At all times herein mentioned, and continuing to the present, DYDZAK has enjoyed cordial relations with Ms. Stasz, and previously represented her in a number of legal matters while licensed as an attorney. In the past, he has benefited financially from representing Ms. Stasz and received

DYDZAK V. GEORGE

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COMPLAINT



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3 professional fees.

4 69. On or about August 8, 2008, and at all times relevant  
5 hereto, Defendants HOWARD, RICE, HAUSMAN, SELEGUE and BURK were  
6 well aware of the existence of the economic relationship between  
7 DYDZAK and Ms. Stasz. Attorney Burk knew that DYDZAK represented  
8 STASZ on a number of legal matters and communicated with DYDZAK  
9 on legal issues involving STASZ in or about July, 2008.

10 70. In unlawfully communicating with Defendant MILES, and  
11 agents and employees of Defendant COURT, about DYDZAK's  
12 disciplinary proceedings, and in improperly and illegally  
13 gaining access to the MILES' decision directly through  
14 contacting MILES, or his agents and employees thereof,  
15 Defendants BURK, HAUSMAN and SELEGUE, individually and on behalf  
16 of Defendant HOWARD RICE, persuaded and influenced MILES to put  
17 DYDZAK on inactive status and recommend his disbarment. This  
18 unlawful conduct was done, so that HOWARD RICE clients and  
19 Defendant BURK's legal interests could be protected from major  
20 liability and expense.

21 71. As a direct, legal and proximate result thereof,  
22 Plaintiff has sustained general pain and suffering, severe  
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26 DYDZAK V. GEORGE

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COMPLAINT

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3 emotional distress and anguish, loss of earnings and earning  
4 capacity, loss of good will and reputation, incurred substantial  
5 loans which has been unable to repay to date, and further  
6 incurred considerable storage and moving costs, all to his  
7 general damage, according to proof at or before trial.  
8

9 **THIRD CAUSE OF ACTION**

10 **(FRAUD)**

11 **(AGAINST DEFENDANT SELEGUE)**  
12

13 72. Plaintiff refers to and incorporates, as though fully  
14 set forth herein, Paragraphs 1 through 71, inclusive, of the  
15 Complaint.  
16

17 73. In a sworn Declaration dated September 26, 2010, in the  
18 STASZ litigation against Defendant BURK, submitted in connection  
19 with a Motion to Quash Service, Defendant SELEGUE falsely  
20 represented under oath that he obtained access to the MILES'  
21 decision by traveling to Los Angeles, California, to obtain  
22 same.

23 74. This representation was in fact false, fraudulent and  
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26 DYDZAK V. GEORGE

COMPLAINT  
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3 misleading. The true facts were that Defendant SELEGUE willfully  
4 perjured himself on this point and thereby committed a felony;  
5 never traveled to Los Angeles to obtain the MILES' decision;  
6 unlawfully and illegally obtained MILES' Decision directly from  
7 MILES and/or an agent or employee of Defendant COURT; tortiously  
8 interfered with the attorney-client relationship between DYDZAK  
9 and STASZ by illegally and unethically communicating with  
10 Defendant MILES; conspired with Defendant MILES and other  
11 members of his law firm to destroy DYDZAK's ability to practice  
12 law and represent STASZ in her LASC cases; influenced and  
13 persuaded MILES in conspiracy with Defendants HAUSMAN and BURK  
14 to have DYDZAK disbarred; had not properly ordered nor paid for  
15 MILES' Decision dated August 5, 2008, affecting DYDZAK; intended  
16 by his dishonest and fraudulent Declaration to gain a tactical  
17 advantage in litigation against STASZ; and intended to  
18 maliciously and permanently injure DYDZAK's career, reputation  
19 and livelihood by the aforesaid actions and by virtue of his  
20 fraudulent and dishonest Declaration.  
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22 75. Had DYDZAK known the foregoing on or about September  
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26 DYDZAK V. GEORGE

COMPLAINT

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3 26, 2008, or before said date, and had he further known about  
4 the misconduct of Defendants SELEGUE, HAUSMAN and BURK, on or  
5 before September 26, 2008, as herein alleged, he would have  
6 advised STASZ to immediately report SELEGUE and HOWARD, RICE  
7 to the State Bar of California for ethical and professional  
8 violations, including but not limited to Defendant SELEGUE  
9 committing perjury, a felony and crime of moral turpitude.  
10 DYDZAK further would have moved before Defendant MILES made his  
11 fraudulent and unethical Decision against him for an Order  
12 disqualifying Defendant MILES from making a decision due to the  
13 jurist's prejudice, bias and conflict of interest or the  
14 appearance of same.

15 76. As a direct, legal and proximate result of the fraud  
16 perpetrated by Defendant SELEGUE, and the aforementioned false  
17 representation, Plaintiff has suffered general damages, in an  
18 amount not yet ascertained. Plaintiff will seek leave to amend  
19 the Complaint in order to set forth such amount when it is  
20 determined, according to proof.  
21

22 77. In taking the actions herein alleged, and making the  
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26 DYDZAK V. GEORGE

COMPLAINT

misrepresentation herein described, Defendant SELEGUE acted maliciously, oppressively, and fraudulently, in conscious disregard of Plaintiff's rights. Plaintiff is, therefore, entitled to an award of exemplary or punitive damages, according to proof.

WHEREFORE, Plaintiff prays judgment as follows:

ON FIRST CAUSE OF ACTION:

1. For general damages in the amount of \$ 10,000,000;
2. For special damages and medical expenses, according to proof;
3. For punitive damages, according to proof;
4. For injunctive relief as set forth herein;
5. For reasonable attorney's fees pursuant to Title 42 of the United States Code, Section 1988(b);
6. For costs of suit incurred herein;
7. For a dismissal of any alleged disciplinary charges against DYDZAK due to the violation of his civil, legal, equitable and constitutional rights;
8. For such other and further relief as the Court deems just and proper in the premises;

DYDZAK V. GEORGE

COMPLAINT

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3 9. Setting aside and declaring void or voidable Defendant  
4 MILES' unlawful, unconstitutional, biased, and illegal State Bar  
5 Decision dated August 5, 2008 against DYDZAK, and any other  
6 unconstitutional, unlawful and illegal rulings, orders, opinions  
7 and decisions of the State Bar Court and Review Department  
8 referenced herein and pertaining thereto;

9 10. Setting aside and declaring void or voidable the  
10 unlawful, biased, unconstitutional, and illegal  
11 Opinion On Review and Order filed December 3, 2009, by  
12 Defendants REMKE, EPSTEIN and PURCELL against DYDZAK, and any  
13 other unconstitutional, unlawful and illegal rulings, orders,  
14 opinions and decisions of the State Bar Court and Review  
15 Department referenced herein and pertaining thereto;

16 11. Enjoining, setting aside and declaring void or  
17 voidable the transmittal of the State Bar Court Recommendation,  
18 Imposition of Costs, and Proposed Order to the California  
19 Supreme Court against DYDZAK, as alleged herein;

20 12. Setting aside and declaring void or voidable the  
21 unlawful, biased, unconstitutional, and illegal Order of the  
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26 DYDZAK V. GEORGE

65  
COMPLAINT

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3 Supreme Court of California entered on or about May 12, 2010,  
4 disbarring DYDZAK, assessing unlawful and vague disciplinary  
5 costs, and illegally removing him from the roll of attorneys  
6 admitted to practice law in the State of California.

7 13. For any injunctive relief as allowed by Federal Rules  
8 of Civil Procedure, Rules 57, 65, and other appropriate Rules  
9 therein as well as 42 U.S.C. Section 1983 et seq. ;

10 14. For appropriate declaratory relief and judgment by  
11 virtue of 28 U.S.C. Section 2201 et seq.  
12

13 ON SECOND CAUSE OF ACTION

- 14 1. For general damages, according to proof;  
15 2. For costs of suit incurred herein;  
16 3. For such other and further relief as ordered by  
17 this Honorable Court and warranted in the premises.  
18

19 ON THIRD CAUSE OF ACTION

- 20 1. For general damages, according to proof;  
21 2. For punitive damages, according to proof;  
22 3. For costs of suit incurred herein;  
23

24  
25  
26 DYDZAK V. GEORGE

27  
28  
COMPLAINT

4. For such other and further relief as ordered by this  
Honorable Court and warranted in the premises.

Dated: August 4, 2010



DANIEL D. DYDZAK

Plaintiff Pro Se

67

DYDZAK V. GEORGE

COMPLAINT



**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Stephen V. Wilson and the assigned discovery Magistrate Judge is None.

The case number on all documents filed with the Court should read as follows:

**CV10- 5820 SVW**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☒ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Name & Address:

DANIEL DAVID DYDZAK

Plaintiff Pro Se

4265 Marina City Drive, Suite 407W

Marina del Rey, CA 90292

FOR OFFICE USE ONLY

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

DANIEL DAVID DYDZAK,

PLAINTIFF(S)

v.

RONALD M. GEORGE, CARLOS R. MORENO,

JOYCE L. KENNARD, [ATTACHMENT A]

DEFENDANT(S).

CASE NUMBER

CV10 5820 • SVW

SUMMONS

TO: DEFENDANT(S): RONALD M. GEORGE, CARLOS R. MORENO, JOYCE L. KENNARD,  
[ATTACHMENT A]

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, DANIEL DAVID DYDZAK, PRO SE, 4265 Marina City Drive, #407W, Marina del Rey, CA 90292, whose address is 4265 Marina City Drive, #407W, Marina del Rey, CA 90292. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: 8-5-10

By: \_\_\_\_\_

Deputy Clerk

CHRIS SAWYER  
SEAL

FOR OFFICE USE ONLY (Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

**AttyDefsSER-159**

Name & Address:

DANIEL DAVID DYDZAK

Plaintiff Pro Se

4265 Marina City Drive, Suite 407W

Marina del Rey, CA 90292

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

DANIEL DAVID DYDZAK,

PLAINTIFF(S)

v.

RONALD M. GEORGE, CARLOS R. MORENO,  
 JOYCE L. KENNARD, [ATTACHMENT A]

DEFENDANT(S).

CASE NUMBER

CV10 5820 •

SVW

SUMMONS

TO: DEFENDANT(S): RONALD M. GEORGE, CARLOS R. MORENO, JOYCE L. KENNARD,  
[ATTACHMENT A]

A lawsuit has been filed against you.

Within 60 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, DANIEL DAVID DYDZAK, PRO SE, whose address is 4265 Marina City Drive, #407W, Marina del Rey, CA 90292. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: 8-5-10

By: \_\_\_\_\_

CHRIS BAWYER  
 SEN

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

ATTACHMENT A

KATHRYN MICKLE WERDEGAR, MING W. CHIN, MARVIN R. BAXTER, CAROL A.  
CORRIGAN, SUPREME COURT OF CALIFORNIA, STATE BAR OF CALIFORNIA, DONALD  
F. MILES, STATE BAR COURT, BOARD OF GOVERNORS OF STATE BAR OF CALIFORNIA,  
JOANN M. REMKE, CATHERINE D. PURCELL, JUDITH EPSTEIN, RONALD W. STOVITZ,  
PATRICE E. McELROY, RICHARD A. PLATEL, LUCY ARMENDARIZ, RICHARD A. HONN,  
BERNARD A. BURK, KENNETH G. HAUSMAN, SEAN M. SELEGUE, HOWARD, RICE,  
NEMEROSKI, CANADY, FALK & RABKIN, SCOTT DREXEL, A. HOWARD MATZ, GARY A.  
FEES, R. GARY KLAUSNER, MARGARET M. MORROW, GEORGE H. WU,  
VIRGINIA A. PHILLIPS, AUDREY B. COLLINS, ALICIA G. ROSENBERG, and DOES 1 through  
10, Inclusive,



<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input checked="" type="checkbox"/> DANIEL DAVID DYDZAK		<b>DEFENDANTS</b> RONALD M. GEORGE, CARLOS R. MORENO, JOYCE L. KENNARD, [ATTACHMENT A]	
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)  DANIEL DAVID DYDZAK, PLAINTIFF PRO SE, 4265 MARINA CITY DRIVE, SUITE 407W, MARINA DEL REY, CA 90292 TELEPHONE: (310) 867-1289		Attorneys (If Known)  DANIELLE A. LEE, ESQ. 180 HOWARD STREET, SAN FRANCISCO, CA 94105 TELEPHONE: (415) 538-2339	

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)		<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table border="1" style="width:100%"><tr><td>Citizen of This State</td><td>PTF <input checked="" type="checkbox"/> 1</td><td>DEF <input checked="" type="checkbox"/> 1</td><td>Incorporated or Principal Place of Business in this State</td><td>PTF <input type="checkbox"/> 4</td><td>DEF <input type="checkbox"/> 4</td></tr><tr><td>Citizen of Another State</td><td><input type="checkbox"/> 2</td><td><input type="checkbox"/> 2</td><td>Incorporated and Principal Place of Business in Another State</td><td><input type="checkbox"/> 5</td><td><input type="checkbox"/> 5</td></tr><tr><td>Citizen or Subject of a Foreign Country</td><td><input type="checkbox"/> 3</td><td><input type="checkbox"/> 3</td><td>Foreign Nation</td><td><input type="checkbox"/> 6</td><td><input type="checkbox"/> 6</td></tr></table>				Citizen of This State	PTF <input checked="" type="checkbox"/> 1	DEF <input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	PTF <input checked="" type="checkbox"/> 1	DEF <input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4																		
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																		
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																		

**IV. ORIGIN** (Place an X in one box only.)  
☒ 1 Original Proceeding    ☐ 2 Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from another district (specify):    ☐ 6 Multi-District Litigation    ☐ 7 Appeal to District Judge from Magistrate Judge

**V. REQUESTED IN COMPLAINT:** JURY DEMAND: ☒ Yes    ☐ No (Check 'Yes' only if demanded in complaint.)  
**CLASS ACTION** under F.R.C.P. 23: ☐ Yes    ☒ No    **MONEY DEMANDED IN COMPLAINT:** \$ 10,000,000

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
CIVIL RIGHTS ACTION, TITLE 42 U.S.C. SECTION 1983; FRAUD; INTENTIONAL INTERFERENCE WITH ECONOMIC RELATIONS

**VII. NATURE OF SUIT** (Place an X in one box only.)

<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>TORTS</b> <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE / PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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FOR OFFICE USE ONLY: Case Number: \_\_\_\_\_

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☐ No ☒ Yes

If yes, list case number(s): CV-08-7765-VAP-AGR; CV 10-1297-PA and AHM (AGRx)

**Civil cases are deemed related if a previously filed case and the present case:**

(Check all boxes that apply) ☒ A. Arise from the same or closely related transactions, happenings, or events; or

☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or

☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or

☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Plaintiff DANIEL DAVID DYDZAK	Los Angeles County, State of California

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Defendant RONALD M. GEORGE	San Francisco County, State of California
Defendant CARLOS R. MORENO	San Francisco County, State of California
Defendant JOYCE L. KENNARD [Attachment For Other Defendants]	San Francisco County, State of California

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES COUNTY, STATE OF CALIFORNIA	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

**Note:** In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):

Date August 5, 2010

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

ATTACHMENT A

KATHRYN MICKLE WERDEGAR, MING W. CHIN, MARVIN R. BAXTER, CAROL A. CORRIGAN, SUPREME COURT OF CALIFORNIA, STATE BAR OF CALIFORNIA, DONALD F. MILES, STATE BAR COURT, BOARD OF GOVERNORS OF STATE BAR OF CALIFORNIA, JOANN M. REMKE, CATHERINE D. PURCELL, JUDITH EPSTEIN, RONALD W. STOVITZ, PATRICE E. McELROY, RICHARD A. PLATEL, LUCY ARMENDARIZ, RICHARD A. HONN, BERNARD A. BURK, KENNETH G. HAUSMAN, SEAN M. SELEGUE, HOWARD, RICE, NEMEROSKI, CANADY, FALK & RABKIN, SCOTT DREXEL, A. HOWARD MATZ, GARY A. FEES, R. GARY KLAUSNER, MARGARET M. MORROW, GEORGE H. WU, VIRGINIA A. PHILLIPS, AUDREY B. COLLINS, ALICIA G. ROSENBERG, and DOES 1 through 10, Inclusive,



## ATTACHMENT FOR OTHER DEFENDANTS

Defendant KATHRYN MICKLE WERDEGAR	San Francisco County, State of California
Defendant MING W. CHIN	San Francisco County, State of California
Defendant MARVIN R. BAXTER	San Francisco County, State of California
Defendant CAROL A. CORRIGAN	San Francisco County, State of California
Defendant SUPREME COURT OF CALIFORNIA	San Francisco County, State of California
Defendant STATE BAR OF CALIFORNIA	San Francisco County, State of California
Defendant DONALD F. MILES	Los Angeles County, State of California
Defendant STATE BAR COURT	Los Angeles County, State of California
Defendant BOARD OF GOVERNORS OF STATE BAR OF CALIFORNIA	San Francisco County, State of California
Defendant JOANN M. REMKE	Los Angeles County, State of California
Defendant CATHERINE D. PURCELL	Los Angeles County, State of California
Defendant JUDITH EPSTEIN	Los Angeles County, State of California
Defendant RONALD W. STOVITZ	Los Angeles County, State of California
Defendant PATRICE E. McELROY	Los Angeles County, State of California
Defendant RICHARD A. PLATEL	Los Angeles County, State of California
Defendant LUCY ARMENDARIZ	Los Angeles County, State of California
Defendant RICHARD A. HONN	Los Angeles County, State of California
Defendant BERNARD A. BURK	San Francisco County, State of California
Defendant KENNETH G. HAUSMAN	San Francisco County, State of California
Defendant SEAN A. SELEGUE	San Francisco County, State of California
Defendant HOWARD, RICE, NEMEROSKI CANADY, FALK & RABKIN	San Francisco County, State of California
Defendant SCOTT DREXEL	San Francisco County, State of California

ATTACHMENT FOR OTHER DEFENDANTS (Page 2)

Defendant A. HOWARD MATZ	Los Angeles County, State of California
Defendant GARY A. FEES	Los Angeles County, State of California
Defendant R. GARY KLAUSNER	Los Angeles Count County, State of California
Defendant MARGARET M. MORROW	Los Angeles County, State of California
Defendant GEORGE H. WU	Los Angeles County, State of California
Defendant VIRGINIA A. PHILLIPS	Riverside County, State of California
Defendant AUDREY B. COLLINS	Los Angeles County, State of California
Defendant ALICIA G. ROSENBERG	Los Angeles County, State of California

# Exhibit E

California Supreme Court docket, Case  
No. S179850, entry dated September 11,  
2019

## Appellate Courts Case Information

CALIFORNIA COURTS  
THE JUDICIAL BRANCH OF CALIFORNIA

Supreme Court

Change court

## Docket (Register of Actions)

DYDZAK ON DISCIPLINE  
Division SF  
Case Number S179850

Date	Description	Notes
01/27/2010	Record of State Bar discipline filed	recommendation: disbarment.  *7 volumes.
04/01/2010	Petition for writ of review filed	Petitioner: Daniel David Dydzak Attorney: Daniel David Dydzak under CRC 8.25(b)
04/01/2010	Forma pauperis application filed	
04/20/2010	Response by State Bar filed	Non-Title Respondent: State Bar of California Attorney: Danielle A. Lee
05/03/2010	Reply to State Bar response filed	Petitioner: Daniel David Dydzak Attorney: Daniel David Dydzak crc 8.25 (b)
05/12/2010	Petition for writ of review denied; disbarred	The petition for writ of review is denied. The court orders that Daniel David Dydzak, State Bar Number 121857, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys. Daniel David Dydzak must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.
05/21/2010	Order filed	The order filed on May 12, 2010, is amended as to the State Bar case numbers to read; "S.B.C. Nos. 04-O-14383/06-O-10960."
06/01/2010	Received:	notice from the Supreme Court of United States, dated May 27, 2010; petition for writ of certiorari was filed May 24, 2010, and placed on the US Supreme Court docket on May 27, 2010, under No. 09-11066.
06/04/2010	Received:	service copy of notice that petition is filed under US Supreme Court # 09-11066.
07/26/2010	Note: Mail returned (unable to forward)	states name does not exist; return to sender.
10/07/2010	Received:	from the Supreme Court of the United States, Office of the Clerk, dated October 4, 2010, a notice that the petition for writ of certiorari filed under case# 09-11066, was denied.
01/11/2012	Motion filed	by Daniel D. Dydzak, petitioner, to reopen disciplinary case due to fraud upon the court and reverse and set aside void disbarment order.  (to court for consideration)
01/23/2012	Received:	Letter and proposed order from petitioner.
01/30/2012	Received:	Petitioner's request for ruling forthwith on pending motion
02/06/2012	Received:	Petitioner's second request for ruling on pending motion
02/15/2012	Received:	Petitioner's Third Request for Ruling Forthwith on Pending Motion

02/15/2012	Motion denied	The motion to reopen the disciplinary proceeding filed on January 11, 2012 is denied.
02/22/2012	Note: Mail returned (unable to forward)	Order filed 2/15/12, sent to petitioner.
09/20/2013	Returned record	to State Bar Court (7 vols.)
03/01/2018	Motion filed	Motion to Reopen Disciplinary Case and Reverse, Set Aside or Vacate Unlawful Disbarment Order  Daniel David Dydzak, Petitioner
03/19/2018	Received:	Petitioner's Request for Expedited Ruling.
03/19/2018	Application for relief from default filed	By State Bar of California to file Opposition to Motion to Reopen Disciplinary Case and Reverse, Set Aside or Vacate Unlawful Disbarment Order.
03/19/2018	Received:	State Bar's Untimely Opposition to Motion to Reopen Disciplinary Case and Reverse, Set Aside or Vacate Unlawful Disbarment Order.
03/21/2018	Letter sent to:	Sean T. Strauss, The State Bar of California, Office of General Counsel  Dear Mr Strauss:  The court has considered your application to file your untimely opposition to petitioner's motion to reopen his disciplinary case and reverse, set aside, or vacate unlawful disbarment order. Your application to file the untimely opposition has been denied. (Cal. Rules of Court, rule 8.60(d).)  The court has directed that your motion be returned to you, and we are returning herewith the original and eight copies of the motion.
05/09/2018	Motion denied	The motion to reopen disciplinary case and reverse, set aside, or vacate disbarment order is denied.
05/14/2018	Motion filed	Motion to reverse and set aside void order filed May 9, 2018, and to disqualify Chief Justice Tani Cantil-Sakauye  Daniel David Dydzak, Petitioner
05/17/2018	Motion filed	Petitioner Dydzak's Motion to Reconsider, Reverse and Set Aside Void Order Filed and Dated May 9, 2018; Memorandum of Points and Authorities; Declaration of Daniel David Dydzak in Support Thereof; Exhibit; Request for Oral Argument  Daniel David Dydzak, Petitioner
05/17/2018	Received:	Letter dated May 14, 2018, from petitioner Daniel Dydzak
05/21/2018	Received:	Letter dated May 16, 2018, from petitioner Daniel Dydzak
05/21/2018	Note: Mail returned (unable to forward)	Order issued on May 9, 2018 to petitioner.
05/24/2018	Received:	Letter dated May 20, 2018, from petitioner Daniel Dydzak
05/24/2018	Received:	Letter dated May 21, 2018, from petitioner Daniel Dydzak
06/06/2018	Filed:	Petitioner's Notice of Non-Opposition by State Bar of California to Petitioner Dydzak's Two Pending Motions
06/06/2018	Filed:	Petitioner's Request for Expedited Ruling Re: Petitioner Dydzak's Two Pending Motions and Proposed Order
06/06/2018	Filed:	Petitioner's Request for Judicial Notice; Declaration of Daniel D. Dydzak thereto; Exhibit
06/14/2018	Received:	Letter dated June 11, 2018, from petitioner Daniel D. Dydzak
06/27/2018	Motion denied	The request for judicial notice filed June 6, 2018, is granted. The motion to reverse and set aside order and disqualify the Chief Justice, filed May 14, 2018, is denied. The motion to reconsider, reverse, and set aside order, filed May 17, 2018, is denied.
07/02/2018	Received:	Letter dated June 29, 2018, from petitioner Daniel D. Dydzak.
07/02/2018	Motion filed	Petitioner Dydzak's Motion to Reverse and Set Aside Void Order Filed June 27, 2018 Due to Lack of Proper Quorum and to Disqualify Chief Justice Tani Cantil-Sakauye Based Upon Disqualification Factors and a Showing of Extrinsic Fraud

07/16/2018	Received:	Letter dated July 13, 2018, from petitioner Daniel D. Dydzak.
07/16/2018	Filed:	Petitioner Dydzak's Request for Expedited Ruling Re: Motion to Reverse and Set Aside Void Order Filed June 27, 2018, etc.
08/08/2018	Motion denied	The motion to reverse and set aside order and disqualify the Chief Justice, filed July 2, 2018, is denied.
08/13/2018	Received:	Letter dated August 11, 2018, from petitioner Daniel D. Dydzak.
08/13/2018	Motion filed	Petitioner Dydzak's Motion to Reverse and Set Aside Void Order Filed August 8, 2018 Due to Lack of Proper Quorum
08/20/2018	Received:	Letter dated August 15, 2018, from petitioner Daniel D. Dydzak.
09/12/2018	Motion denied	The motion to reverse and set aside order and disqualify the Chief Justice, filed August 13, 2018, is denied.
09/17/2018	Received:	Letter dated September 15, 2018, from petitioner Daniel D. Dydzak.
09/17/2018	Motion filed	Petitioner Dydzak's Motion to Reverse and Set Aside Void Order Filed September 12, 2018 Due to Lack of Proper Quorum
09/17/2018	Received:	Service copy of letter from petitioner Daniel Dydzak dated September 12, 2018, addressed to the Commission on Judicial Performance.
09/17/2018	Received:	Service copy of letter from petitioner Daniel Dydzak dated September 14, 2018, addressed to the Commission on Judicial Performance.
09/20/2018	Received:	Service copy of letter from petitioner Daniel Dydzak dated September 18, 2018, addressed to the Commission on Judicial Performance.
09/24/2018	Note: Mail returned (unable to forward)	Copy of an order issued on September 12, 2018, to Daniel Dydzak.
09/26/2018	Received:	Service copy of letter from petitioner Daniel Dydzak dated September 24, 2018, addressed to the Commission on Judicial Performance.
10/10/2018	Motion denied	The motion to reverse and set aside order and disqualify the Chief Justice, filed September 17, 2018, is denied.  Corrigan, J., was absent and did not participate.
10/19/2018	Received:	Letter dated October 17, 2018, from petitioner Daniel D. Dydzak.
10/19/2018	Motion filed	Petitioner Dydzak's Motion to Reverse and Set Aside Void Order Filed October 10, 2018 Due to Lack of Proper Quorum
10/19/2018	Received:	Service copy of letter from petitioner Daniel Dydzak dated October 16, 2018, addressed to the Commission on Judicial Performance.
10/23/2018	Received:	Service copy of letter from petitioner Daniel Dydzak dated October 15, 2018, addressed to Director of the Commission on Judicial Performance.
10/23/2018	Received:	Letter dated October 18, 2018, from petitioner Daniel D. Dydzak.
10/29/2018	Note: Mail returned (unable to forward)	Copy of order issued on October 10, 2018, to Daniel Dydzak.
11/14/2018	Motion denied	The motion to reverse and set aside order and disqualify the Chief Justice, filed October 19, 2018, is denied.
11/19/2018	Motion filed	"Petitioner Dydzak's motion to reverse and set aside void order filed November 14, 2018..."
11/19/2018	Received:	Service copy of letter from petitioner Daniel Dydzak dated November 15, 2018, addressed to the Commission on Judicial Performance.
11/19/2018	Received:	Service copy of letter from petitioner Daniel Dydzak dated November 16, 2018, addressed to the President and other Justices.
11/21/2018	Motion filed	Petitioner Dydzak's Motion for Order to Show Cause
11/26/2018	Note: Mail returned (unable to forward)	Copy of order issued on November 14, 2018, to Daniel Dydzak.

11/26/2018	Received:	Service copy of petitioner Daniel Dydzak's motion for extension of time dated November 19, 2018, addressed to the U.S. Court of Appeals for the Ninth Circuit.
11/26/2018	Received:	Letter, dated November 23, 2018, from petitioner Daniel Dydzak.
12/03/2018	Received:	Letter dated November 26, 2018, from petitioner Daniel D. Dydzak.
01/23/2019	Motion denied	The motion to reverse and set aside order and disqualify the Chief Justice, filed November 19, 2018, and the motion for an order to show cause filed November 21, 2018 are denied.
01/28/2019	Motion filed	Petitioner Dydzak's Motion for Order to Show Cause
01/28/2019	Received:	Service copy of letter from petitioner Daniel Dydzak dated January 23, 2019, addressed to the Commission on Judicial Performance.
01/28/2019	Received:	Notice of Errata  Petitioner inadvertently typed the date of November 26, 2018, instead of January 24, 2019, on letter sent to this office pertaining to Petitioner's newly submitted Motion for Order to Show Cause, etc.
01/28/2019	Motion filed	Petitioner Dydzak's Motion to Vacate, Reverse and Set Aside Void Order of January 23, 2019
01/28/2019	Received:	Petitioner Dydzak's Notice of filing proof of service for Order to Show Cause
01/30/2019	Motion filed	Petitioner Dydzak's Motion to Reverse, Set Aside or Vacate Unlawful Disbarment Order
01/30/2019	Motion filed	Petitioner Dydzak's Motion to Reverse and Set Aside Void Order Filed January 23, 2019, Due to Lack of Proper Quorum
01/31/2019	Motion filed	Petitioner Dydzak's Motion for Oral Argument of Pending Motions
02/01/2019	Motion filed	Petitioner Dydzak's Motion for Expedited Hearing and Ruling on Pending Motions
02/01/2019	Note: Mail returned (unable to forward)	Copy of order issued on January 23, 2019, to Daniel Dydzak.
02/19/2019	Filed:	Petitioner Dydzak's Notice of Non-Opposition to Pending Motions
03/20/2019	Received:	Letter dated March 16, 2019, from petitioner Daniel D. Dydzak.
04/02/2019	Received:	Service copy of letter from petitioner Daniel Dydzak dated March 28, 2019, addressed to the Commission on Judicial Performance.
04/08/2019	Received:	Service copy of letter from petitioner Daniel Dydzak dated April 3, 2019, addressed to the Commission on Judicial Performance.
04/08/2019	Filed:	Letter dated April 4, 2019, from petitioner Daniel D. Dydzak - Second request for expedited ruling on pending motions; non-opposition to said motions by State Bar of California.
04/17/2019	Order filed	The motion to vacate, reverse and set aside order, request for judicial notice, and the motion for an order to show cause filed January 28, 2019 are denied. The motions for oral argument and for an expedited hearing are denied.
04/22/2019	Motion filed	Petitioner Dydzak's Letter dated April 20, 2019, and Motion for Order to Show Cause
04/22/2019	Received:	Service copy of Petitioner Daniel Dydzak's letter dated April 19, 2019, addressed to the Commission on Judicial Performance.
04/22/2019	Received:	Service copies of Petitioner Daniel Dydzak's two letters dated April 18, 2019, addressed to the Commission on Judicial Performance.
04/25/2019	Received:	Petitioner's Request for Judicial Notice ; Declaration of Daniel D. Dydzak thereto; Exhibit
04/25/2019	Received:	Letter dated April 21, 2019, from Daniel Dydzak entitled "Request for Emergency Expedited Ruling on Two Pending Motions".
04/25/2019	Received:	Letter dated April 21, 2019, from Daniel Dydzak and Disqualification Motion
04/29/2019	Received:	Service copy of Letter from Daniel Dydzak dated April 23, 2019, and Motion addressed to the Ninth Circuit Court of Appeals
05/02/2019	Received:	Service copy of letter dated April 29, 2019, from Daniel Dydzak, addressed to the State Bar of California.
05/06/2019	Received:	Service copy of letter dated May 4, 2019, from Daniel Dydzak addressed to the Commission on Judicial Performance.

05/06/2019	Received:	Petitioner's Notice of Non-Opposition by State Bar of California to Petitioner Dydzak's Pending Motions
05/06/2019	Received:	Service copy of letter dated May 2, 2019, from Daniel Dydzak addressed to the Clerk of the Ninth Circuit Court of Appeals and Motion.
05/06/2019	Received:	Service copy of letter from Daniel Dydzak dated May 4, 2019, addressed to the Commission on Judicial Performance.
05/28/2019	Received:	Service copy of letter dated May 23, 2019, from Daniel Dydzak addressed to the Office of Disciplinary Counsel Board of Professional Responsibility District of Columbia Court of Appeals.
05/28/2019	Received:	Petitioner Dydzak's New Motion for Oral Argument of Pending Motions and to Permit Camera Coverage and Media Filming
05/28/2019	Received:	Petitioner Dydzak's Motion for Leave to Take Videotaped Depositions of Pertinent Material Witnesses
05/28/2019	Received:	Petitioner Dydzak's Motion for Expedited Hearing and Ruling on Pending Motions
05/28/2019	Received:	Service copy of letter dated May 24, 2019, from Daniel Dydzak addressed to Elaine M. Howle, CPA, California State Auditor.
07/03/2019	Received:	Letter dated June 30, 2019, from Daniel Dydzak entitled Request for Ruling on Pending Motions at July 10, 2019, Petition Conference.
07/29/2019	Received:	Letter dated July 25, 2019, from petitioner Daniel Dydzak entitled, "Request for Ruling on Pending Motions at July 31, 2019 Conference".
08/05/2019	Received:	Letter dated August 1, 2019, from petitioner Daniel Dydzak entitled, "Request for Ruling on Pending Motions at August 14, 2019 Conference".
08/05/2019	Received:	Service copy of letter dated August 2, 2019, from Daniel Dydzak addressed to Chief Trial Counsel of the State Bar of California.
08/19/2019	Received:	Letter dated August 15, 2019, from petitioner Daniel Dydzak entitled, "Request for Ruling on Pending Motions at August 21, 2019 Conference".
08/26/2019	Received:	Letter dated August 22, 2019, from petitioner Daniel Dydzak entitled, "Request for Ruling on Pending Motions at August 28, 2019 Conference".
09/03/2019	Received:	Letter dated August 29, 2019, from petitioner Daniel Dydzak entitled, "Request for Ruling on Pending Motions at September 11, 2019 Conference".
09/11/2019	Motion denied	The motion for an order to show cause filed April 22, 2019 is denied. This matter is now final. The court will no longer consider challenges to petitioner's disbarment.

Click [here](#) to request automatic e-mail notifications about this case.



1 Eric M. George  
2 Ronald M. George  
3 Alan I. Rothenberg  
4 c/o 2121 Avenue of the Stars, Suite 3000  
5 Los Angeles, California 90067  
6 Telephone: (310) 274-7100  
7 Facsimile: (310) 275-5697  
8 E-Mail: [egeorge@egcfirm.com](mailto:egeorge@egcfirm.com)

9 Defendants *in propria persona*  
10 Eric M. George, Ronald M. George, and Alan I.  
11 Rothenberg

12 UNITED STATES DISTRICT COURT  
13 DISTRICT OF NEVADA

14 DANIEL DAVID DYDZAK,  
15 Plaintiff,  
16 vs.  
17 TANI CANTIL-SAKAUYE, et al.,  
18 Defendant.

Case No. 2:22-cv-01008-APG-VCF

The Hon. Andrew P. Gordon

**DECLARATION OF RONALD M.  
GEORGE IN SUPPORT OF  
DEFENDANTS ERIC M. GEORGE,  
RONALD M. GEORGE, AND ALAN I.  
ROTHENBERG'S MOTION TO DISMISS  
COMPLAINT**

Trial Date: None Set

**DECLARATION OF RONALD M. GEORGE**

I, Ronald M. George, declare and state as follows:

1. I am an attorney admitted to practice in the State of California. I am representing myself *in propria persona* in this action. I have firsthand, personal knowledge of the facts set forth below and if called as a witness I could competently testify thereto.

2. I reside in the County of Los Angeles, California. I do not maintain a residence in the State of Nevada, and I have never lived in the State of Nevada. I am not, nor have I ever been, licensed to practice law in the State of Nevada. I do not conduct any substantial business in the State of Nevada. I did not have substantial contact with the State of Nevada at the time of Plaintiff's disbarment, nor have I had such contacts in the intervening years since. I am unaware of any relationship between the State of Nevada and the facts underlying this lawsuit (with the exception that one of the defendant-judges named in this lawsuit allegedly resides in Nevada). This lawsuit does not arise from any conduct or contact, personal or professional, that I have ever had with the State of Nevada.

Executed this 1st day of July 2022, at Los Angeles, California.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

  
Ronald M. George

1 Eric M. George  
2 Ronald M. George  
3 Alan I. Rothenberg  
4 c/o 2121 Avenue of the Stars, Suite 3000  
5 Los Angeles, California 90067  
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8 E-Mail: [egeorge@egcfirm.com](mailto:egeorge@egcfirm.com)

9 Defendants *in propria persona*  
10 Eric M. George, Ronald M. George, and Alan I.  
11 Rothenberg

12 UNITED STATES DISTRICT COURT

13 DISTRICT OF NEVADA

14 DANIEL DAVID DYDZAK,

15 Plaintiff,

16 vs.

17 TANI CANTIL-SAKAUYE, et al.,

18 Defendant.

Case No. 2:22-cv-01008-APG-VCF

The Hon. Andrew P. Gordon

**DECLARATION OF ALAN I.  
ROTHENBERG IN SUPPORT OF  
DEFENDANTS ERIC M. GEORGE,  
RONALD M. GEORGE, AND ALAN I.  
ROTHENBERG'S MOTION TO DISMISS  
COMPLAINT**

Trial Date: None Set

**DECLARATION OF ALAN I. ROTHENBERG**

I, Alan I. Rothenberg, declare and state as follows:

1. I am an attorney admitted to practice in the State of California. I am representing myself *in propria persona* in this action. I have firsthand, personal knowledge of the facts set forth below and if called as a witness I could competently testify thereto.

2. I reside in the County of Los Angeles, California. I do not maintain a residence in the State of Nevada, and I have never lived in the State of Nevada. I am not, nor have I ever been, licensed to practice law in the State of Nevada. I do not conduct any substantial business in the State of Nevada. I did not have substantial contact with the State of Nevada at the time of Plaintiff's disbarment, nor have I had such contacts in the intervening years since. I am unaware of any relationship between the State of Nevada and the facts underlying this lawsuit (with the exception that one of the defendant-judges named in this lawsuit allegedly resides in Nevada). This lawsuit does not arise from any conduct or contact, personal or professional, that I have ever had with the State of Nevada.

Executed this 1<sup>st</sup> day of July 2022, at Los Angeles, California.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

*/s/ Alan I. Rothenberg*

\_\_\_\_\_  
Alan I. Rothenberg

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Ronald M. George  
2 Alan I. Rothenberg  
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5

Defendants *in propria persona*  
6 Eric M. George, Ronald M. George, and Alan I.  
Rothenberg  
7  
8

9 UNITED STATES DISTRICT COURT  
10 DISTRICT OF NEVADA  
11

12 DANIEL DAVID DYDZAK,

13 Plaintiff,

14 vs.

15 TANI CANTIL-SAKAUYE, et al.,

16 Defendant.  
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Case No. 2:22-cv-01008-APG-VCF

The Hon. Andrew P. Gordon

**REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF DEFENDANTS ERIC M.  
GEORGE, RONALD M. GEORGE, AND  
ALAN I. ROTHENBERG'S MOTION TO  
DISMISS COMPLAINT**

Trial Date: None Set

1           **TO THE HONORABLE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF**  
2 **RECORD:**

3           Defendants Eric M. George, Ronald M. George, and Alan I. Rothenberg hereby request  
4 that the Court take judicial notice of the following documents in support of its concurrently filed  
5 Motion to Dismiss Plaintiff's Complaint:

6           1.       Opinion on Review and Order In the Matter of Daniel David Dydzak dated  
7 December 3, 2009, Review Department of the State Bar Court, Nos. 04-O-14383; 06-O-10960. A  
8 true and correct copy is attached as **Exhibit A** to the Declaration of Eric M. George.

9           2.       Order dated September 25, 2012, *Dydzak v. Cantil-Sakauye*, C.D. Cal. Case No.  
10 C11-5560-JCC, Dkt. No. 35. A true and correct copy is attached as **Exhibit B** to the Declaration  
11 of Eric M. George.

12           3.       Prefiling Order—Vexatious Litigant dated April 5, 2013, *Dydzak v. Dunn*, Cal.  
13 Super. Ct. Case No. 30-2012-00558031. A true and correct copy is attached as **Exhibit C** to the  
14 Declaration of Eric M. George.

15           4.       Complaint, *Dydzak v. George*, Case No. 10-cv-05820-SVW, Dkt. No. 1 (C.D. Cal.  
16 Aug. 5, 2010). A true and correct copy is attached as **Exhibit D** to the Declaration of Eric M.  
17 George.

18           5.       California Supreme Court docket, Case No. S179850, entry dated September 11,  
19 2019. A true and correct copy is attached as **Exhibit E** to the Declaration of Eric M. George.

20           A court “must take judicial notice if a party requests it and the court is supplied with the  
21 necessary information.” Fed. R. Evid. 201(c)(2). Pursuant to Federal Rule of Evidence 201(b),  
22 courts may take judicial notice of adjudicative facts that are not subject to reasonable dispute  
23 because they “can be accurately and readily determined from sources whose accuracy cannot  
24 reasonably be questioned.” (Fed. R. Evid. 201(b)(2).)

25           “Courts may take judicial notice of some public records, including the ‘records and reports  
26 of administrative bodies.’” *United States v. Ritchie*, 342 F.3d 903, 908-09 (9th Cir. 2003) (quoting  
27 *Interstate Nat. Gas Co. v. S. Cal. Gas Co.*, 209 F.2d 380, 385 (9th Cir. 1953)). Courts may also  
28 take judicial notice of “court filings and other matters of public record.” *Reyn's Pasta Bella, LLC*



1 v. *Visa USA, Inc.*, 442 F.3d 741, 746, n.6 (9th Cir. 2006) (citing *Burbank-Glendale-Pasadena*  
 2 *Airport Auth. v. City of Burbank*, 136 F.3d 1360, 1364 (9th Cir. 1998)). Documents are properly  
 3 subject to judicial notice when they are readily verifiable. *Reyn's Pasta Bella*, 442 F.3d at 746 n.6  
 4 (taking judicial notice of documents filed in a separate litigation in another court even though the  
 5 documents were filed under seal).

6 Here, Defendants request that the Court take judicial notice of an order issued by the  
 7 California State Bar Court, a court order in a federal California case, a court order in a California  
 8 state court case, a complaint in a federal California case, and a copy of the official docket of a  
 9 California Supreme Court case. All of these documents are matters of public record: one is a  
 10 record from an administrative body, the State Bar Court of California, and the others are copies of  
 11 court files, which are readily verifiable. Additionally, the documents are being presented to this  
 12 Court in support of undisputed facts recited in Defendants' Motion. Therefore, it is proper for this  
 13 court to take judicial notice of Exhibits A-E in adjudicating Defendants' Motion to Dismiss.

14 Based on the foregoing, Defendants Eric M. George, Ronald M. George, and Alan I.  
 15 Rothenberg respectfully request that this Court take judicial notice of the documents attached as  
 16 Exhibits A-E to the Declaration of Eric M. George.

17  
 18 Date: July 1, 2022

19 Respectfully submitted,

20  
 21 By



22 Eric M. George, *in propria persona*  
 23 c/o 2121 Avenue of the Stars, Suite 3000  
 24 Los Angeles, California 90067  
 25 Tel. (310) 274-7100  
 26  
 27  
 28

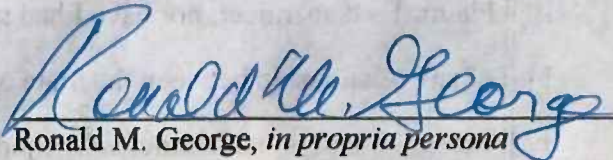
1 Date: July 1, 2022

2  
3  
4 By /s/ Alan I. Rothenberg

5 Alan I. Rothenberg, *in propria persona*  
6 c/o 2121 Avenue of the Stars, Suite 3000  
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9  
10 Date: July 1, 2022

11 By

12   
13 Ronald M. George, *in propria persona*

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1 DANIEL D. DYDZAK  
Plaintiff  
2 4265 Marina City Drive, Suite 407W  
Marina del Rey, CA 90292  
3 Telephone: (310) 867-1289

CASE NO: A-22-847734-C  
Department 27

4  
5  
6  
7 DISTRICT COURT  
8 CLARK COUNTY, NEVADA  
9

10 DANIEL DAVID DYDZAK,

11 Plaintiff,

12 v.  
13

14 TANI CANTIL-SAKAUYE, JORGE  
15 NAVARRETE, THOMAS LAYTON, aka TOM  
LAYTON, CHARLES SCHWAB, DONALD F.  
16 MILES, JOHNNIE B. RAWLINSON, BARRY  
G. SILVERMAN, WILLIAM A. FLETCHER,  
17 PETER LIND SHAW, RONALD M. GEORGE,  
ERIC M. GEORGE, ALAN I. ROTHENBERG,  
18 1<sup>ST</sup> CENTURY BANK, 1<sup>ST</sup> CENTURY  
BANCSHARES, INC., EDWARD EPHRAIM  
19 SCHIFFER, SIDNEY R. THOMAS, WILLIAM  
DATO, MAXINE M. CHESNEY, MOLLY C.  
20 DWYER, GEORGE H. KING, A. WALLACE  
TASHIMA, FERDINAND FRANCIS  
21 FERNANDEZ, KIM MCCLANE WARDLAW,  
WILLIAM C. CANBY, RONALD M. GOULD,  
22 RICHARD C. TALLMAN, and DOES 1 through  
50, inclusive,

23 Defendants.  
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26  
27 COMPLAINT  
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) Case No.

) Dept. No.

) COMPLAINT FOR DAMAGES AND  
EQUITABLE RELIEF

) DEMAND FOR JURY TRIAL

COMES NOW Plaintiff, DANIEL D. DYDZAK ("DYDZAK"), and alleges as follows:

**PRELIMINARY ALLEGATIONS**

1. Plaintiff is, and was at all times herein mentioned, an individual over eighteen years old residing in the County of Los Angeles, State of California.

2. Plaintiff is informed and believes, and thereon alleges, that Defendant TANI CANTIL-  
SAKAUYE ("CANTIL-SAKAUYE") is, and <sup>was DD</sup> at all times herein mentioned, an individual residing in the County of San Francisco, State of California.

3. Plaintiff is informed and believes, and thereon alleges, that Defendant JORGE NAVARRETE ("NAVARRETE") is, and was at all times herein mentioned, an individual residing in the County of San Francisco, State of California.

4. Plaintiff is informed and believes, and thereon alleges, that Defendant THOMAS LAYTON, aka TOM LAYTON ("LAYTON"), is, and was at all times herein mentioned, an individual residing in the County of Los Angeles, State of California.

5. Plaintiff is informed and believes, and thereon alleges, that Defendant DONALD F. MILES ("MILES") is, and was at all times herein mentioned, an individual residing in Redding, California.

6. Plaintiff is informed and believes, and thereon alleges, that Defendant CHARLES SCHWAB ("SCHWAB") is, and was at all times herein mentioned, an individual residing in the County of San Francisco, State of California.

7. Plaintiff is informed and believes, and thereon alleges, that Defendant JOHNNIE B. RAWLINSON ("RAWLINSON") is, and was at all times herein mentioned, an individual residing

COMPLAINT

1 in the City of Las Vegas, State of California.

2 8. Plaintiff is informed and believes, and thereon alleges, that Defendant BARRY G.  
3 SILVERMAN ("SILVERMAN") is, and was at all times herein mentioned, an individual residing  
4 in the City of Phoenix, State of Arizona.

5 9. Plaintiff is informed and believes, and thereon alleges, that Defendant WILLIAM A.  
6 FLETCHER ("FLETCHER") is, and was at all times herein mentioned, an individual residing in the  
7 County of San Francisco, State of California.

8 10. Plaintiff is informed and believes, and thereon alleges, that Defendant PETER LIND  
9 SHAW ("SHAW") is, and was at all times herein mentioned, an individual residing in the County  
10 of San Francisco, State of California.

11 11. Plaintiff is informed and believes, and thereon alleges, that Defendant RONALD M.  
12 GEORGE ("GEORGE") is, and was at all times herein mentioned, an individual residing in the  
13 County of San Francisco, State of California.

14 12. Plaintiff is informed and believes, and thereon alleges, that Defendant ERIC M.  
15 GEORGE ("E.GEORGE") is, and was at all times herein mentioned, an individual residing in the  
16 County of Los Angeles, State of California.

17 13. Plaintiff is informed and believes, and thereon alleges, that Defendant ALAN I.  
18 ROTHENBERG ("ROTHENBERG") is, and was at all times herein mentioned, an individual  
19 residing in the County of Los Angeles, State of California.

20 14. Plaintiff is informed and believes, and thereon alleges, that Defendant 1<sup>ST</sup> CENTURY  
21 BANK ("BANK") is, and was at all times herein mentioned, a legal entity, exact status unknown at  
22 this time, located and providing financial services in the County of Los Angeles, State of California.  
23 Plaintiff will amend this Complaint accordingly at or before trial when the exact legal status and  
24

25 COMPLAINT

1 identity of Defendant BANK is ascertained.

2 15. Plaintiff is informed and believes, and thereon alleges, that Defendant 1<sup>st</sup> CENTURY  
3 BANCSHARES, INC. ("BANCSHARES") is, and was at all times herein mentioned, a corporation  
4 duly organized and existing under and by virtue of the laws of the State of Delaware, engaged in  
5 providing financial and banking services. Upon further information and belief, Defendant  
6 BANCSHARES' business address is, and was at all times relevant hereto, in Wilmington,  
7 Delaware. Upon further information and belief, said Defendant is, and was at all times herein  
8 mentioned, a holding company for Defendant BANK.

9 16. Plaintiff is informed and believes, and thereon alleges, that Defendant EDWARD  
10 EPHRAIM SCHIFFER ("SCHIFFER") is, and was at all times herein mentioned, an individual  
11 residing in the County of San Francisco, State of California.

12 17. Plaintiff is informed and believes, and thereon alleges, that Defendant SIDNEY R.  
13 THOMAS ("THOMAS") is, and was at all times herein mentioned, an individual residing in  
14 Billings, Montana.

15 18. Plaintiff is informed and believes, and thereon alleges, that Defendant WILLIAM  
16 DATO ("DATO") is, and was at all times herein mentioned, an individual residing in the County of  
17 San Diego, State of California.

18 19. Plaintiff is informed and believes, and thereon alleges, that Defendant MAXINE M.  
19 CHESNEY ("CHESNEY") is, and was at all times herein mentioned, an individual residing in the  
20 County of San Francisco, State of California.

21 20. Plaintiff is informed and believes, and thereon alleges, that Defendant MOLLY C.  
22 DWYER ("DWYER") is, and was at all times herein mentioned, an individual residing in the  
23 County of San Francisco, State of California.

24 21. Plaintiff is informed and believes, and thereon alleges, that Defendant A. WALLACE  
25 TASHIMA ("TASHIMA") is, and was at all times herein mentioned, an individual residing in the

26 COMPLAINT

1 County of Los Angeles, State of California.

2 22. Plaintiff is informed and believes, and thereon alleges, that Defendants  
3 FERDINAND FRANCIS FERNANDEZ ("FERNANDEZ") and KIM MCLANE WARDLAW  
4 ("WARDLAW") are, and were at all times herein mentioned, individuals residing in the County  
5 of Los Angeles, State of California.

6 23. Plaintiff is informed and believes, and thereon alleges, that Defendant WILLIAM  
7 C. CANBY ("CANBY") is, and was at all times herein mentioned, an individual residing in the  
8 City of Phoenix, State of Arizona.

9 24. Plaintiff is informed and believes, and thereon alleges, that Defendant RONALD M.  
10 GOULD ("GOULD") is, and was at all times herein mentioned, an individual residing in the City  
11 of Seattle, State of Washington.

12 25. Plaintiff is informed and believes, and thereon alleges, that Defendant RICHARD  
13 C. TALLMAN ("TALLMAN") is, and was at all times herein mentioned, an individual residing  
14 in the City of Seattle, State of Washington.

15 26. Plaintiff is unaware at the present time of the identities and capacities of  
16 Defendants ~~fictitiously~~ <sup>fictitiously</sup> named and designated as DOES 1 through 50, inclusive. Plaintiff alleges  
17 that said DOE Defendants, and each of them, are responsible and liable for the wrongful and  
18 unlawful acts of the other Defendants and acted in concert with each other. Plaintiff will seek  
19 leave to amend this Complaint at or before trial to set forth their true names and capacities when  
20 ascertained. DYDZAK is entitled to appropriate monetary and equitable relief against them,  
21 according to proof.

22 27. Furthermore, Plaintiff alleges that these DOE Defendants have damaged him and  
23 otherwise acted illegally and against his civil and constitutional rights, as herein alleged.

### 24 JURISDICTION

25 28. Venue is proper in this Court because one of the parties resides in Clark County  
26 and committed wrongful acts against Plaintiff in this jurisdiction. Nevada NRS 13.040. Moreover,  
27 state courts have concurrent jurisdiction with federal courts to hear federal claims, such as  
28 violation of civil rights. Tafflin v. Levitt, 493 U.S. 455 (1990).

COMPLAINT

1 FIRST CAUSE OF ACTION

2 (VIOLATION OF CIVIL RIGHTS)

3 (AGAINST DEFENDANTS CANTIL-SAKAUYE AND NAVARRETE)

4  
5 29. Plaintiff refers to and incorporates, as though fully set forth herein, Paragraphs 1  
6 through 28, inclusive, of the Complaint, and any and all allegations contained therein.

7 30. This is a civil rights complaint for declaratory relief, equitable relief and other appropriate  
8 relief pursuant to 42 U.S.C. 1983 et seq. Plaintiff's civil rights have been violated, as alleged and  
9 described herein.

10 31. On or about September 13, 2019, and continuing to the present, in Case No. S179850,  
11 Defendants CANTIL-SAKAUYE and NAVARRETE illegally conspired to not file, as required, legal  
12 pleadings, motions and papers duly submitted by DYDZAK for docket filing with the Clerk's  
13 Office of the Supreme Court of California. Furthermore, Defendant CANTIL-SAKAUYE issued a  
14 fraudulent, perjurious, void and illegal Order on September 11, 2021 in said case in conspiracy with  
15 Defendant NAVARRETE.

16 32. As state actors employed as officers of the Court in California, Defendants CANTIL-  
17 SAKAUYE acted unreasonably and unlawfully so as to violate Plaintiff's constitutional and federally  
18 protected rights, as herein alleged and described.

19 33. As a direct, legal and proximate result of their misconduct and unlawful, wrongful actions,  
20 as herein alleged and described. Plaintiff has sustained general damages, including, without  
21 limitation, suffering, and continuing to suffer, physical and mental pain and anguish, and severe  
22 emotional distress. Plaintiff has also suffered economic losses, according to proof. The exact amount  
23 of such general damages is unknown at this time, but will be ascertained and set forth before or at  
24 time of trial, according to proof.

25 34. Plaintiff is entitled to appropriate declaratory and equitable relief, declaring that his civil  
26 and constitutional rights have been violated as aforesaid by Defendants CANTIL-SAKAUYE and

27 COMPLAINT

1 NAVARRETE. A Temporary Restraining Order (TRO), Preliminary Injunction and Permanent  
2 injunction should issue, enjoining said Defendant from continuing to violate Plaintiff's civil and  
3 constitutional rights.

4 35. Plaintiff is also entitled to an award of punitive damages due to a showing of malice,  
5 fraud and oppression by said Defendants towards DYDZAK, in the amount of \$ 10,000,000.

6  
7 SECOND CAUSE OF ACTION

8 (VIOLATION OF WIRETAP ACT, 18 USC 2511)

9 (AGAINST DEFENDANT LAYTON)

10 36. Plaintiff refers to and incorporates, as though fully set forth herein, Paragraphs 1  
11 through 35, inclusive, of the Complaint, and any and all allegations contained therein.

12 37. On or about September 11, 2019, and continuing to the present, Defendant LAYTON  
13 has, upon reasonable information and belief, illegally interfered with and intercepted on a constant  
14 basis Plaintiff's wire and electronic communications, including but not limited to telephonic  
15 communications and texts with third persons, relayed on his cell phone, 310-867-1289, contrary to  
16 the Federal Wiretap Act. Plaintiff is entitled to appropriate equitable relief and to recover from  
17 Defendant LAYTON damages, attorney's fees, costs and penalties, as provided for in said Wiretap  
18 Act pursuant to 18 USC 2511 and according to proof. LAYTON has, and had at all times relevant  
19 hereto, an unsavory reputation, being known as the "bagman" and "fixer" for disgraced, disbarred  
20 attorney, Thomas V. Girardi.

21  
22 THIRD CAUSE OF ACTION

23 (CONSPIRACY TO UNLAWFULLY <sup>DO NOT INTERFERE</sup> INTERFERE WITH THE PROCESSES OF THE COURT)

24 (AGAINST DEFENDANTS SCHWAB, MILES, GEORGE, E. GEORGE, ROTHENBERG,  
25 BANK, BANCSHARES, DATO)

26  
27 COMPLAINT

38. Plaintiff refers to and incorporates, as though fully set forth herein, Paragraphs 1 through 37, inclusive, of the Complaint and any and all allegations contained therein.

39. Plaintiff is informed and believes, and thereon alleges, that the above-named Defendants had improper, unethical and illegal ex parte, extra-judicial communications and contacts with Defendants CANTIL-SAKAUYE and NAVARRETE on or about September 11, 2019, and on other occasions thereafter, and continuing to the present, to affect the outcome of the California Supreme Court Case No. S179850 and harm DYDZAK, as herein alleged. Such overt acts were done as part of a conspiracy to obstruct justice and interfere with the processes of that Court.

40. As a direct, legal and proximate result of such wrongful and illegal acts, Plaintiff has suffered general damages, according to proof. Such acts were also done with malice, fraud and oppression, entitling Plaintiff to an award of punitive damages against said Defendants, and each of them, in the amount of \$ 10,000,000, jointly and severally.

#### FOURTH CAUSE OF ACTION

**(VIOLATION OF CIVIL RIGHTS)**

**(AGAINST DEFENDANTS DWYER AND THOMAS)**

41. Plaintiff refers to and incorporates, as though fully set forth herein, Paragraphs 1 through 39, inclusive, of the Complaint, and any and all allegations contained therein.

42. This is a civil rights complaint for declaratory relief, equitable relief and other appropriate relief pursuant to 42 U.S.C. 1983 et seq. Plaintiff's civil rights have been violated by Defendant

## COMPLAINT



1  
2 DWYER illegally blocking, or causing to be blocked, his cell phone number, 310-867-1289, to the  
3 San Francisco Clerk's Office of the Ninth Circuit Court of Appeals, telephone number 415-355-8000.  
4 This blockage, upon reasonable information and belief, was done with the wrongful, unconstitutional  
5 and illegal authorization, consent, knowledge, supervision and ratification of Defendant THOMAS.  
6 It was done more than a year ago and continues to the present. Defendants DWYER and THOMAS  
7 were put on notice, administratively, and at all times relevant hereto, that DYDZAK's cell phone was  
8 unlawfully blocked, against due process, equal protection of laws and his First Amendment right to  
9 access to the courts. As of the date of this Complaint, and continuing to the present, Defendants  
10 DWYER and THOMAS have not unblocked, or taken steps to unblock, Plaintiff's cell phone to the  
11 aforesaid Ninth Circuit number, all to his damage and prejudice and against his civil and constitutional  
12 rights.  
13

14 43. Federal actors, such as Defendants DWYER and THOMAS, acting under color of  
15 federal authority can be sued for violation of civil rights Bivens v. Six Unnamed Agents, 403 U.S.  
16 388 (1971). Since both of them were acting administratively, illegally and in bad faith, said  
17 Defendants enjoy no immunity from monetary damages. In this matter, Defendants DWYER and  
18 THOMAS, and each of them, acted unreasonably and unlawfully so as to violate Plaintiff's  
19 constitutionally and federally protected rights, as herein alleged and described.  
20

21 44. As a direct, legal and proximate result of the above-referenced Defendants'  
22 misconduct and unlawful, wrongful actions, as herein alleged and described, Plaintiff has sustained  
23 general damages, according to proof.  
24

25 45. Plaintiff is entitled to appropriate declaratory and equitable relief, declaring that his  
26

27 COMPLAINT  
28

1 civil and constitutional rights have been violated as aforesaid by Defendants DWYER and THOMAS.  
2 A Temporary Restraining Order (TRO), Preliminary Injunction and Permanent Injunction should  
3 issue, enjoining said Defendants from continuing to violate Plaintiff's civil and constitutional rights.

4 46. Plaintiff is also entitled to an award of punitive damages due to a showing of malice,  
5 fraud and oppression by said Defendants towards DYDZAK, in the amount of \$ 10,000,000.  
6

7  
8 **FIFTH CAUSE OF ACTION**

9 **(VIOLATION OF CIVIL RIGHTS)**

10 **(AGAINST DEFENDANTS CHESNEY, SILVERMAN, FLETCHER AND RAWLINSON)**  
11

12 47. Plaintiff refers to and incorporates, as though fully set forth herein, Paragraphs 1  
13 through 46, inclusive, of the Complaint, and any and all allegations contained therein.

14 48. The above-named Defendants, and each of them, violated Plaintiff's civil rights by the  
15 following:  
16

17 (1) Defendant CHESNEY violated her oath to be fair and impartial as a federal judge in a  
18 case filed in the Northern District of California U.S. District Court, DYDZAK V. USA et al  
19 ["NORTHERN DISTRICT CASE"]. She was disqualified in law and fact, subject to disqualification,  
20 and has biases and conflicts of interest or the appearance of same. Any and all of her Orders and  
21 rulings are therefore void ab initio, including a "fraud upon the court", overbroad and void Pre-filing  
22 Order against DYDZAK.  
23

24 (2) Defendant CHESNEY had the case illegally transferred to her after having, upon  
25 information and belief, improper ex parte and extrajudicial communications and contacts with third

26 COMPLAINT

1 parties and Defendant CANTIL-SAKAUYE and/or agents of said latter Defendant She had an  
2 unethical, preexisting relationship with material witness and party, CANTIL-SAKAUYE.

3 (3) As a "senior status" judge, Defendant CHESNEY was not properly, legally assigned to  
4 hear the NORTHERN DISTRICT CASE per statutory requirements under 28 USC Section 294. She  
5 therefore did not have jurisdiction and standing to hear and adjudicate the case, and acted in the  
6 absence of jurisdiction. Mireles v. Waco, 502 U.S. 9 (1991).

7 (4) Defendants SILVERMAN, FLETCHER and RAWLINSON, and each of them, acted  
8 unethically, fraudulently and illegally in the appeal of the NORTHERN DISTRICT CASE (18-15673,  
9 9<sup>th</sup> Cir.) by ruling since said Panel had a "senior status" judge, Defendant SILVERMAN, who was  
10 not properly, legally assigned to the case. 28 USC Section 294,  
11

12 (5) Defendants SILVERMAN, FLETCHER and RAWLINSON, and each of them, violated  
13 DYDZAK's civil rights by not ruling on four pending motions in case 18-15673, thereby obstructing  
14 justice.  
15

16 49. At all times relevant hereto, and continuing to the present, Defendant THOMAS and  
17 Defendant SCHIFFER, upon reasonable information and belief, knew about the aforesaid wrongful  
18 conduct by Defendants CHESNEY, SILVERMAN, FLETCHER and RAWLINSON and have  
19 acquiesced in the judicial corruption and misconduct at issue.

20 50. With respect to the Fifth Cause of Action herein, Plaintiff is not suing Defendants  
21 CHESNEY, SILVERMAN, FLETCHER and RAWLINSON for monetary damages, only appropriate  
22 equitable and declaratory relief. As federal actors, acting under color of federal law, said Defendants,  
23 and each of them, acted unreasonably and unlawfully so as to violate Plaintiff's constitutional and  
24 federally protected rights, as herein alleged and described.  
25

26 COMPLAINT

11

51. Plaintiff is entitled to appropriate declaratory and equitable relief, declaring that his constitutional and civil rights have been violated as aforesaid by the aforementioned Defendants. A TRO, Preliminary Injunction and Permanent Injunction should issue, enjoining said Defendants from continuing to violate Plaintiff's civil and constitutional rights.

### SIXTH CAUSE OF ACTION

(VIOLATION OF CIVIL RIGHTS)

(AGAINST DEFENDANTS SHAW, SCHIFFER, CANBY, GOULD AND TALLMAN)

52. Plaintiff refers to and incorporates, as though fully set forth herein, Paragraphs 1 through 51, inclusive, of the Complaint and any and all allegations contained therein.

53. The above-named Defendants, and each of them, violated Plaintiff's civil rights by the following:

(1) In the Ninth Circuit case, 10-80193, In re DANIEL DAVID DYDZAK, Esq., Defendant SHAW misrepresented to DYDZAK, at all times relevant hereto, that he could make rulings and conduct an evidentiary hearing in a judicial capacity. This was a false misrepresentation and extrinsic fraud or "fraud upon the court." The Judicial Council of the United States confirmed to DYDZAK that Defendant SHAW is an inactive attorney and not a qualified federal judge. At present, and at all times relevant hereto, Defendant SHAW is and was not an Article III Judge. Thus, any and all rulings and Orders by Defendant SHAW in Case No. 10-80193 are, and were at all times herein mentioned, void ab initio and should be reversed and set aside.

(2) Defendant SCHIFFER, as a federally licensed attorney who assisted Defendant SHAW

1 in the aforesaid 9<sup>th</sup> Circuit case is, and was aware at all times herein mentioned, that Defendant SHAW  
2 is not a proper federal judge but has perpetuated with Defendant SHAW that fraud upon the court.

3 (3) Upon information and belief, Defendants SHAW and SCHIFFER have been "bribed" by  
4 financial incentives and illicit payments by Defendant SCHWAB to harm DYDZAK and prepare  
5 rulings against him. At the very least, these Defendants have financial conflicts of interest or the  
6 appearance of same.

7  
8 (4) Defendants CANBY, GOULD and TALLMAN acted unethically, fraudulently and  
9 illegally by doing rulings and Orders adverse to DYDZAK in Case No. 10-80193 without a proper  
10 and legal three-judge quorum, as required by 28 USC Section 46©. Furthermore, they violated the  
11 statutory requirements of 28 USC Section 294, because Defendant CANBY could not act as a "senior  
12 status" judge on the case, as he was not duly appointed pertaining thereto. As well, Defendants  
13 CANBY, GOULD and TALLMAN perpetrated a "fraud upon the court" by using Defendant SHAW  
14 as a purported judicial officer or judge when he is not a proper Article III Judge but simply an inactive  
15 attorney. At all times relevant hereto, and continuing to the present, Defendants CANBY, GOULD,  
16 TALLMAN, SHAW and SCHIFFER knew, or reasonably should have known, they the Panel was  
17 irregular and unlawful. They all further knew that Defendant SHAW is not a proper judge or judicial  
18 officer. Upon further information and believe, all of these Defendants had biases and conflict of  
19 interest, or the appearance of same, towards Plaintiff.

20  
21 (5) At all times relevant hereto, and continuing to the present, Defendants CANBY,  
22 GOULD, TALLMAN, SHAW and SCHIFFER are acting illegally and obstructing justice by there  
23 not being rulings in the Ninth Circuit on pending motions filed in or about 2016 and 2017. Defendant

24  
25 COMPLAINT

13

1 THOMAS is, and was at all times herein mentioned, aware of this situation but, administratively,  
2 does nothing about the aforesaid unlawful and fraudulent conduct. The Rule of Law means nothing  
3 to these Defendants. The fair and proper administration of justice means nothing to these Defendants.

4 54. Defendants CANBY, GOULD and TALLMAN are being sued in the Sixth Cause of  
5 Action for only equitable and declaratory relief. Plaintiff is not seeking monetary damages against  
6 any of these Defendants with regard to the Sixth Count of this Complaint.

7 55. Defendants SHAW and SCHIFFER are being sued in the Sixth Cause of Action for  
8 monetary damages, equitable and declaratory relief. As federal actors illegally acting under color of  
9 authority, they do not have absolute immunity from damages but only quasi-judicial immunity. They  
10 can be personally sued for damages because their illegal conduct offends constitutional norms and  
11 they did not, and continue to not, act reasonably and fairly towards DYDZAK. Harlow v. Fitzgerald,  
12 457 U.S. 800 (1982). Their tortious conduct is, and was at all times herein mentioned, unpardonable  
13 and flagrantly illegal and offensive. Their conduct is criminal as well, because they have acted, and  
14 are continuing to act, to obstruct justice in harming and injuring DYDZAK. They should be held in  
15 civil and criminal contempt. Defendants CANBY, GOULD, TALLMAN and THOMAS' willing  
16 acquiescence in this criminal and civil wrongdoing is, and was at all times herein mentioned,  
17 actionable and unconscionable.

18 56. The above-named Defendants, and each of them, as federal actors, acted unreasonably  
19 and unlawfully, so as to violate Plaintiff's constitutional and federally protected rights, as herein  
20 alleged and described.

21 57. As a direct, legal and proximate result of the above-referenced Defendants'  
22 misconduct and unlawful, wrongful actions, as herein alleged and described, Plaintiff has sustained

23 COMPLAINT

1 general damages, according to proof, with respect to Defendants SHAW and SCHIFFER. With regard  
2 to all of the named Defendants herein, Plaintiff is entitled to appropriate equitable and declaratory  
3 relief, including a TRO, Preliminary Injunction and Permanent Injunction, against them.

4 58. With regard to Defendants SHAW and SCHIFFER, they acted with malice, fraud and  
5 oppression towards DYDZAK. An award of punitive damages is therefore warranted against them in  
6 the amount of \$ 10,000,000.

7  
8 **SEVENTH CAUSE OF ACTION**

9 **(VIOLATION OF CIVIL RIGHTS)**

10 **(AGAINST DEFENDANTS KING, FERNANDEZ, TASHIMA AND WARDLAW)**

11  
12  
13 59. Plaintiff refers to and incorporates, as though fully set forth herein, Paragraphs 1  
14 through 58, inclusive, of the Complaint, and any and all allegations contained therein.

15  
16 60. As federal actors, the above-named Defendants acted under color of authority to  
17 violate DYDZAK's civil and constitutional rights in IN RE DANIEL DAVID DYDZAK in the  
18 County of Los Angeles, State of California, on or about February 11, 2013, on other relevant dates,  
19 and continuing to the present.

20 61. The following wrongful actions were committed by these Defendants, without  
21 limitation:

22 (1) In a case in the federal District Court in Los Angeles, California (D.C. No. 2:10-mc-  
23 00270-GHK), Defendant KING had, upon information and belief, improper ex parte communications  
24 and contacts to affect the outcome of this case. Defendant KING further has, and had at all times

25  
26 COMPLAINT

15

1 herein mentioned, biases and conflicts of interest, or the appearance of same, towards DYDZAK,  
2 including but not limited to taking bribes or financial incentives from Defendant SCHWAB.

3 (2) Defendant KING denied as a jurist DYDZAK a fair and impartial process in the  
4 aforementioned case, and would not provide him an evidentiary hearing to contest certain disciplinary  
5 proceedings affecting DYDZAK. Same is, and was at all times herein mentioned, against, without  
6 limitation, substantive and procedural due process, equal protection of laws, and proper First  
7 Amendment access to the courts.

8  
9 (3) Upon information and belief, Defendant KING had improper, unethical and unlawful  
10 communications with Defendants GEORGE and CANTIL-SAKAUYE, so as to fraudulently and  
11 maliciously do rulings adverse to DYDZAK.

12 (4) As a result of the foregoing, Defendant KING's rulings and Orders adverse to DYDZAK  
13 are, and were at all times herein mentioned, void ab initio.

14 (5) In the appeal of the aforesaid District Court case, 9<sup>th</sup> Circuit Case No. 11-56028,  
15 Defendants FERNANDEZ, TASHIMA and WARDLAW, individually and as jurists, acted  
16 unlawfully and unconstitutionally towards Plaintiff by doing rulings and Orders adverse to him. In  
17 particular, they acted and are acting without a proper legal quorum as "senior status" Defendant  
18 FERNANDEZ was not duly appointed to rule in the case. Further, they have, and had at all times  
19 herein mentioned, biases and conflicts of interest, or the appearance of same towards Plaintiff, and  
20 they are willingly, unethically refusing to rule on pending motions. In particular, Defendant  
21 WARDLAW was wrongfully bribed by Defendant SCHWAB to harm DYDZAK, or has and had  
22 financial conflicts of interest involving Defendant SCHWAB or his business entities. Upon further  
23 information and belief, Defendant TASHIMA has and had financial conflicts of interest, making  
24  
25



1 monies from the State Bar of California <sup>which DR</sup> who dislikes DYDZAK for exposing its corruption and  
2 judicial corruption. These Defendants, upon further information and belief, have been involved in  
3 ongoing improper and unethical ex parte and extrajudicial communications with Defendants  
4 ROTHENBERG, GEORGE, E.GEORGE, and CANTIL-SAKAUYE to harm and injure DYDZAK.

5 62. Egregiously, and against DYDZAK's civil and constitutional rights, Defendants  
6 FERNANDEZ, WARDLAW and TASHIMA continue to not disqualify themselves in the aforesaid  
7 appeal despite an illegal panel. Upon information and belief, they further are involved in an illegal  
8 cover-up of not having the Ninth Circuit Court of Appeals rule in this appeal on pending, valid  
9 motions filed on April 1, 2016, and January 28, 2020. This ongoing unlawful failure to rule and  
10 obstruct justice is known, administratively, to Defendant THOMAS and Defendant SCHIFFER. who  
11 have taken no steps to remedy the wrongful situation.

12 13 63. Defendants KING, FERNANDEZ, WARDLAW and TASHIMA are not being sued  
14 in this Seventh Cause of Action for monetary damages but only appropriate equitable and declaratory  
15 relief declaring that DYDZAK's civil and constitutional rights have been violated. Due to the illegal  
16 conduct of said Defendants, a TRO, Preliminary Injunction and Permanent Injunction should issue as  
17 well to protect Plaintiff's civil and constitutional rights, according to proof.  
18

19  
20 **EIGHTH CAUSE OF ACTION**

21 **(VIOLATION OF CIVIL RIGHTS)**

22 **(AGAINST DEFENDANTS DATO AND CANTIL-SAKAUYE)**

23  
24  
25 64. Plaintiff refers to and incorporates, as though fully set forth herein, Paragraphs 1

1 through 63, inclusive, of the Complaint and any and all allegations contained therein.

2 65. This is a civil rights complaint pursuant to 42 U.S.C. 1983 et seq. where appropriate  
3 declaratory and equitable relief is sought. Plaintiff's civil rights have been violated, as herein alleged.

4 66. Defendant DATO is not being sued in this 8<sup>th</sup> count for monetary damages, only  
5 appropriate declaratory and equitable relief. Since Defendant CANTIL-SAKAUYE is acting in an  
6 administrative capacity as head of the Judicial Council of California, she can be sued in this cause of  
7 action for damages and equitable and declaratory relief for violating Plaintiff's civil and constitutional  
8 rights.  
9

10 67. Upon information and belief, on April 5, 2013, and continuing to the present  
11 Defendant CANTIL-SAKAUYE had improper ex parte and extrajudicial communications with  
12 Defendant DATO to cause Plaintiff to be improperly put on a Vexatious Litigant List or Pre-filing  
13 List with respect to Plaintiff's being able to file any legal cases in the State of California. Defendant  
14 DATO had no jurisdiction to act and acted in the absence of jurisdiction because of his illegal and  
15 improper contacts and communications with Defendant CANTIL-SAKAUYE. He thereby conspired  
16 with Defendant CANTIL-SAKAUYE to commit extrinsic fraud or a "fraud upon the court" in a case  
17 illegally transferred to the San Diego Superior Court from Orange County Superior Court involving  
18 DYDZAK. There were no San Diego based Defendants warranting the case being heard in that  
19 judicial territory or jurisdiction.  
20

21 68. Upon further information and belief, Defendant DATO was rewarded by Defendant  
22 CANTIL-SAKAUYE for the aforesaid extrinsic fraud by his being subsequently promoted to the San  
23 Diego Court of Appeal as a jurist. She also used her influence as well in his being appointed as a  
24 member serving on the California Commission On Judicial Performance. She did so in order that he  
25

1 could protect her history of judicial corruption and malfeasance towards Plaintiff and others.

2 69. State actors, such as Defendants DATO and CANTIL-SAKAUYE, acting under  
3 color of state authority, can be sued for violation of civil rights. DYDZAK is being unfairly  
4 denied access to the California courts due to the wrongful and unlawful acts of the aforesaid  
5 Defendants.

6 70. Plaintiff is entitled to an award of general damages, according to proof, against  
7 Defendant CANTIL-SAKAUYE. Because of her malice, fraud and oppression towards him,  
8 Plaintiff is also entitled to an award of punitive damages in the amount of \$ 10,000,000.

9 71. Appropriate equitable and declaratory relief should be granted against these  
10 Defendants and the issuance of appropriate injunctive relief, according to proof.

11 WHEREFORE, Plaintiff prays judgment as follows:

- 12 *no general damages*
- 13 1. For appropriate equitable, declaratory and injunctive relief, as prayed and according to  
14 proof;  
15 2. For punitive damages, as prayed and according to proof;  
16 3. For reasonable attorney's fees, according to proof;  
17 4. For costs of suit incurred herein and  
18 5. For such other and further relief as the Court deems proper and just in the premises.

19  
20  
21 Dated: November 28, 2021

22   
23 DANIEL DAVID DYDZAK

24 Plaintiff  
25  
26  
27  
28

## DISTRICT COURT CIVIL COVER SHEET

CASE NO: A-22-847734-C

CLARK

County, Nevada

Department 27

Case No.

(Assigned by Clerk's Office)

**I. Party Information** (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone): <b>DANIEL DAVID DYDZAK</b> 4265 Marina City Drive, Suite 407W Marina del Rey, CA 90292 Telephone: (310) 867-1289	Defendant(s) (name/address/phone): <b>TANI CANTIL-SAKAUYE</b> 350 McAllister St., San Francisco, CA 94102 Telephone: (415) 865-7000 [Attachment]
Attorney (name/address/phone): Not Applicable	Attorney (name/address/phone): Unknown

**II. Nature of Controversy** (please select the one most applicable filing type below)**Civil Case Filing Types**

<b>Real Property</b> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<b>Negligence</b> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Torts</b> <b>Other Torts</b> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input checked="" type="checkbox"/> Other Tort
<b>Probate</b> <b>Probate</b> (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <b>Estate Value</b> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<b>Construction Defect &amp; Contract</b> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<b>Judicial Review/Appeal</b> <b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<b>Civil Writ</b> <b>Civil Writ</b> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		<b>Other Civil Filing</b> <b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

November 28, 2021

Date

Signature of initiating party or representative

See other side for family-related case filings.

AttyDefsSER-200

ATTACHMENT  
(CIVIL COVER SHEET)

Defendant JORGE NAVARRETE

350 McAllister St.

San Francisco, CA 94102

Telephone: (415) 865-7000

Defendant THOMAS LAYTON

1951 Ravista Lane

La Canada Flintfridge, CA 91011

Telephone: Unknown2

Defendant CHARLES SCHWAB

211 Main Street

San Francisco, CA 94105

Telephone: (866) 855-9102

Defendant DONALD F. MILES

6328 Quail Creek Rd.

Redding, CA 96002

Telephone: Unknown

Defendant JOHNNIE B. RAWLINSON

333 Las Vegas Blvd.

Las Vegas, NV 89101

Telephone: Unknown

CIVIL COVER SHEET

2

1 Defendant BARRY G. SILVERMAN

2 401 West Washington St.

3 Phoenix, Arizona 85003

4 Telephone: Unknown

5  
6 Defendant WILLIAM A. FLETCHER

7 95 Seventh St.

8 San Francisco, CA 94119

9 Telephone: (415) 355-8000

10 Defendant PETER LIND SHAW

11 95 Seventh St.

12 San Francisco, CA 94119

13 Telephone: (415) 355-8000

14  
15 Defendant RONALD M. GEORGE

16 1333 Jones St.

17 Suite 706

18 San Francisco, CA 94109

19 Telephone: (415) 314-1896

20  
21 Defendant ERIC M. GEORGE

22 2121 Avenue of the Stars

23 Suite 2800

24 Los Angeles, CA 90067

25 Telephone: (310) 274-7100

1 Defendant ALAN I ROTHENBERG

2 1875 Century Park East

3 Ste 1400

4 Los Angeles, CA 90067

5 Telephone: (310) 270-9501

6  
7 Defendant 1<sup>ST</sup> CENTURY BANK

8 1875 Century Park East

9 Suite 100

10 Los Angeles, CA 90067

11 Telephone: (310) 270-9500

12 Defendant 1<sup>ST</sup> CENTURY BANCSHARES, INC.

13 1875 Century Park East

14 Suite 1400

15 Los Angeles, CA 90067

16 Telephone: (310) 270-9500

17  
18 Defendant EDWARD EPHRAIM SCHIFFER

19 95 Seventh St.

20 San Francisco, CA 94119

21 Telephone: (415) 355-7935

22  
23 Defendant SIDNEY R. THOMAS

24 2601 2<sup>nd</sup> Avenue North

25 Billings, MT 59101

26 Telephone: Unknown

1 Defendant WILLIAM DATO

2 750 B Street

3 Suite 300

4 San Diego, CA 92101

5 Telephone: (619) 744-0760

6  
7 Defendant MAXINE M. CHESNEY

8 455 Golden Gate Avenue

9 San Francisco, CA 94102

10 Telephone: (415) 522-2000

11 Defendant MOLLY C. DWYER

12 95 Seventh Street

13 San Francisco, CA 94119

14 Telephone: (415) 355-8000

15  
16 Defendant GEORGE H. KING

17 555 W. 5<sup>th</sup> St., 32<sup>nd</sup> Floor

18 Los Angeles, CA 90013

19 Telephone: (213) 253-9706

20  
21 Defendant A. WALLACE TASHIMA

22 125 S. Grand Ave.

23 Pasadena, CA 91105

24 Telephone: (213) 894-3570



1 Defendant FERDINAND FRANCIS FERNANDEZ

2 125 S. Grand Ave.

3 Pasadena, CA 91105

4 Telephone: (213) 894-3570

5  
6 Defendant KIM MCCLANE WARDLAW

7 125 S. Grand Ave.

8 Pasadena, CA 91105

9 Telephone: (213) 894-3570

10 Defendant WILLIAM C. CANBY

11 401 West Washington St.

12 Phoenix, Arizona 85003

13 Telephone: Unknown

14  
15 Defendant RONALD M. GOULD

16 1010 Fifth Avenue

17 Seattle, WA 98104

18 Telephone: Unknown

19  
20 Defendant RICHARD C. TALLMAN

21 1010 Fifth Avenue

22 Seattle, WA 98104

23 Telephone: Unknown

1 **SUMM**

2  
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4  
5  
6 **DISTRICT COURT**  
7 **CLARK COUNTY, NEVADA**

8 **DANIEL DAVID DYDLAK,**

9  
10  
11 **Plaintiff(s),**

**CASE NO. A-22-847734-C**  
**DEPT. NO. 27**

12 **-vs-**

13 **TANI CANDL-SAKAUYE,**  
14 **[ATTACHMENT]**

15 **Defendant(s).**

16 **SUMMONS - CIVIL**

17 **NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU**  
18 **WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS.**  
19 **READ THE INFORMATION BELOW.**

20 **TO THE DEFENDANT(S):** A civil Complaint has been filed by the Plaintiff(s) against  
21 **you for the relief set forth in the Complaint.**

- 22 1. If you intend to defend this lawsuit, within 20 days after this Summons is  
23 served on you, exclusive of the day of service, you must do the following:  
24 (a) File with the Clerk of this Court, whose address is shown below, a  
25 formal written response to the Complaint in accordance with the rules  
26 of the Court, with the appropriate filing fee.  
27 (b) Serve a copy of your response upon the attorney whose name and  
28 address is shown below.

SUMM Civil/7/23/2009

- 1           2.     Unless you respond, your default will be entered upon application of the  
2                 Plaintiff(s) and failure to so respond will result in a judgment of default  
3                 against you for the relief demanded in the Complaint, which could result in  
4                 the taking of money or property or other relief requested in the Complaint.  
5           3.     If you intend to seek the advice of an attorney in this matter, you should do  
6                 so promptly so that your response may be filed on time.  
7           4.     The State of Nevada, its political subdivisions, agencies, officers,  
8                 employees, board members, commission members and legislators each  
9                 have 45 days after service of this Summons within which to file an Answer  
10                or other responsive pleading to the Complaint.

11  
12  
13 Submitted by:

14 DANIEL DAVID DYDAK  
15

STEVEN D. GRIERSON  
CLERK OF COURT

2/14/2022

16 By:

17 Deputy Clerk

Robyn Rodriguez

Date

18 Regional Justice Center  
19 200 Lewis Avenue  
20 Las Vegas, NV 89155  
21  
22  
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24  
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**NOTE: When service is by publication, add a brief statement of the object of the action. See Nevada Rules of Civil Procedure 4(b).**

AFFIDAVIT OF SERVICE

STATE OF )  
COUNTY OF ) ss:

\_\_\_\_\_, being duly sworn, says: That at all times herein affiant was and is over 18 years of age, not a party to nor interested in the proceeding in which this affidavit is made. That affiant received \_\_\_\_\_ copy(ies) of the Summons and Complaint, \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and served the same on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by:

(Affiant must complete the appropriate paragraph)

1. Delivering and leaving a copy with the Defendant \_\_\_\_\_ at (state address) \_\_\_\_\_
2. Serving the Defendant \_\_\_\_\_ by personally delivering and leaving a copy with \_\_\_\_\_, a person of suitable age and discretion residing at the Defendant's usual place of abode located at (state address) \_\_\_\_\_

[Use paragraph 3 for service upon agent, completing (a) or (b)]

3. Serving the Defendant \_\_\_\_\_ by personally delivering and leaving a copy at (state address) \_\_\_\_\_
  - (a) With \_\_\_\_\_ as \_\_\_\_\_, an agent lawfully designated by statute to accept service of process;
  - (b) With \_\_\_\_\_, pursuant to NRS 14.020 as a person of suitable age and discretion at the above address, which address is the address of the resident agent as shown on the current certificate of designation filed with the Secretary of State.
4. Personally depositing a copy in a mail box of the United States Post Office, enclosed in a sealed envelope, postage prepaid (Check appropriate method):

- ☐ Ordinary mail  
☐ Certified mail, return receipt requested  
☐ Registered mail, return receipt requested

1 addressed to the Defendant \_\_\_\_\_ at Defendant's last known address which is  
2 (state address) \_\_\_\_\_  
3

4 I declare under penalty of perjury under the law of the State of Nevada that the  
5 foregoing is true and correct.

6 EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.  
7

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9 \_\_\_\_\_  
10 Signature of person making service  
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ATTACHMENT (SUMMONS)

JORGE NAVARRETE, THOMAS LAYTON, aka TOM LAYTON, CHARLES  
SCHWAB, DONALD F. MILES, JOHNNIE B. RAWLINSON, BARRY G.  
SILVERMAN, WILLIAM A. FLETCHER, PETER LIND SHAW, RONALD M.  
GEORGE, ERIC M. GEORGE, ALAN I. ROTHENBERG, 1<sup>ST</sup> CENTURY BANK, 1<sup>ST</sup>  
CENTURY BANCSHARES, INC., EDWARD EPHRAIM SCHIFFER, SIDNEY R.  
THOMAS, WILLIAM DATO, MAXINE M. CHESNEY, MOLLY G. DWYER,  
GEORGE H. KING, A. WALLACE TASHIMA, FERDINAND FRANCIS  
FERNANDEZ, KIM MCCLANE WARDLAW, WILLIAM C. CANBY, RONALD M.  
GOULD, RICHARD C. TALLMAN, and DOES 1 through 50, inclusive,

1 Daniel David Dydzak  
2 Plaintiff  
3 4265 Marina City Drive, Suite 407W  
4 Marina del Rey, CA 90292  
5 Telephone: (310) 867-1289  
6 Email: ddydzak@yahoo.com

FILED ENTERED	RECEIVED SERVED ON COUNSEL/PARTIES OF RECORD
AUG 30 2023	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	RG DEPUTY

7  
8 **UNITED STATES DISTRICT COURT**  
9 **FOR DISTRICT OF NEVADA**

10 **No. 2:22-cv-01008-APG-VCF**

11  
12 **DANIEL DAVID DYDZAK,**  
13 **Plaintiff,**

**NOTICE OF APPEAL**

14  
15 **v.**

16 **TANI CANTIL-SAKAUYE, et al.,**  
17 **Defendants.**

18  
19  
20  
21 **TO THIS HONORABLE COURT, ALL PARTIES AND THEIR COUNSEL OF**  
22 **RECORD:**

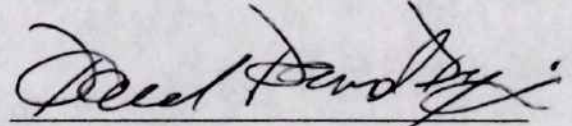
23  
24 **NOTICE IS HEREBY GIVEN that Plaintiff, DANIEL DAVID DYDZAK**  
25 **("DYDZAK"), appeals to the Ninth Circuit Court of Appeals from the Order Directing**  
26 **Entry of Judgment and Judgment filed and dated August 4, 2023 (Docket Entries 96 and**  
27 **97).**

28 **DYDZAK V. CANTIL-SAKAUYE**

**AttyDefsSER-211**



1  
2 Dated: August 28, 2023



3  
4 DANIEL DAVID DYDZAK

5 Plaintiff  
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**CERTIFICATE/PROOF OF SERVICE**

I, JIM LANE, hereby declare that I am over the age of eighteen years and am not a party to the within above-entitled action, that I am employed in the County of Los Angeles, State of California, and that my business address is 4265 Marina City Drive, Ste 407W, Marina del Rey, CA 90292.

On August 28, 2023, I served a true and correct copy of the following document or pleading on the interested parties or their counsel of record:

**NOTICE OF APPEAL**

☒ [BY U.S. MAIL] On this same day, I mailed the interested parties or their counsel of record the above-described document or pleading by regular United States mail to their respective service or mailing addresses.

OLSON CANNON GORMLEY & STOBERSKI  
9950 WEST CHEYENE AVENUE  
LAS VEGAS, NEVADA 89129

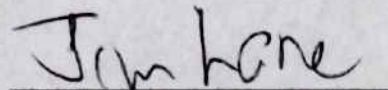
MARQUIS AURBACH  
10001 PARK RUN DRIVE  
LAS VEGAS, NEVADA 89145

QUINTAIROS, PRIETO, WOOD & BOYER, P.A.  
200 S. VIRGINIA ST., 8<sup>TH</sup> FL.  
RENO, NEVADA 89501

PATRICK A. ROSE, ESQ.  
U.S. ATTORNEY OFFICE  
501 LAS VEGAS BLVD. SO.  
SUITE 1100  
LAS VEGAS, NEVADA 89101

1 ERIC M. GEORGE LEWIS ROCA  
2 RONALD M. GEORGE 3993 HOWARD HUGHES PARKWAY  
3 ALAN I. ROTHENBERG STE 600  
4 c/o 2121 AVENUE OF THE STARS LAS VEGAS, NEVADA 89161  
5 30<sup>TH</sup> FLOOR  
6 LOS ANGELES, CA 90067  
7  
8 HINSHAW & CULBERTSON, LLP  
9 350 SOUTH GRAND AVE., STE 3600  
10 LOS ANGELES, CA 90071

11 I declare under penalty of perjury under the laws of the United States of America that the  
12 foregoing is true and correct, and that this Declaration was executed on August 28, 2023.  
13 at Los Angeles, California.  
14

15  
16 

17 JIM LANE

18 Declarant  
19  
20  
21  
22  
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**United States District Court  
District of Nevada (Las Vegas)  
CIVIL DOCKET FOR CASE #: 2:22-cv-01008-APG-VCF**

Dydzak v. Cantil-Sakauye et al  
Assigned to: Judge Andrew P. Gordon  
Referred to: Magistrate Judge Cam Ferenbach  
Case in other court: Ninth Circuit, Court of Appeals, 22-16717  
Ninth Circuit, 23-15784  
Ninth Circuit, 23-16122  
Ninth Circuit Court of Appeals, 23-16193  
Cause: 28:1442 Petition for Removal

Date Filed: 06/24/2022  
Date Terminated: 04/18/2023  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Daniel David Dydzak**

represented by **Daniel David Dydzak**  
4265 Marina City Drive Suite 407W  
Marina del Rey, CA 90292  
310-867-1289  
PRO SE

V.

**Defendant**

**Tani Cantil-Sakauye**  
*TERMINATED: 09/29/2022*

represented by **Thomas D Dillard**  
Olson, Cannon, Gormley, Angulo &  
Stoberski  
9950 West Cheyenne Avenue  
Las Vegas, NV 89129  
(702) 384-4012  
Fax: (702) 383-0701  
Email: [tdillard@ocgas.com](mailto:tdillard@ocgas.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**MidFirst Bank**  
*TERMINATED: 10/07/2022*

represented by **Clark V Vellis**  
Quintairos, Prieto, Wood & Boyer, P.A.  
200 South Virginia Street  
8th Floor  
Reno, NV 89501  
United Sta  
775-322-4697  
Fax: 775-322-4698  
Email: [clark.vellis@qpwbllaw.com](mailto:clark.vellis@qpwbllaw.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Michael R. Ayers**  
Quintairos, Prieto, Wood & Boyer, P.A.  
3740 Lakeside Drive  
Ste Suit 202  
Reno, NV 89509  
775-322-4697  
Fax: 775-322-4698  
Email: [michael.ayers@qpwbllaw.com](mailto:michael.ayers@qpwbllaw.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Michael A.S. Newman**

**AttyDefsSER-215**

Maynard Nexsen LLP  
10100 Santa Monica Boulevard  
Ste 550  
Los Angeles, CA 90067  
310-596-4500  
Email: [mnewman@maynardnexsen.com](mailto:mnewman@maynardnexsen.com)  
**LEAD ATTORNEY**  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**William Canby**

represented by **Patrick A Rose**  
U.S. Attorney's Office  
501 Las Vegas Blvd. South, Suite 1100  
Las Vegas, NV 89101  
702-388-6336  
Email: [Patrick.Rose@usdoj.gov](mailto:Patrick.Rose@usdoj.gov)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Maxine Chesney**

represented by **Patrick A Rose**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**William Dato**  
**TERMINATED: 10/07/2022**

represented by **Thomas D Dillard**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Molly Dwyer**

represented by **Patrick A Rose**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Ferdinand Francis Fernandez**

represented by **Patrick A Rose**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**William Fletcher**

represented by **Patrick A Rose**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Eric George**  
2121 Avenue of the Stars  
Suite 3000  
Los Angeles, CA 90067  
**TERMINATED: 10/07/2022**

represented by **Eric M George**  
Ellis George Cipollone O'Brien Annaguey  
LLP  
2121 Avenue of the Stars  
Ste 30th Floor  
Los Angeles, CA 90067  
310-274-7100  
Fax: 310-275-5697  
Email: [egeorge@ellisgeorge.com](mailto:egeorge@ellisgeorge.com)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Ronald George**  
**TERMINATED: 10/07/2022**

represented by **Eric M George**  
(See above for address)

**AttyDefsSER-216**



**Defendant**

**Ronald Gould**

represented by **Patrick A Rose**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**George King**

represented by **Patrick A Rose**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Thomas Layton**

**TERMINATED: 10/18/2022**

**Defendant**

**Kim McClane Wardlaw**

represented by **Patrick A Rose**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Donald Miles**

**TERMINATED: 10/07/2022**

represented by **Craig R. Anderson**  
Marquis & Aurbach  
10001 Park Run Drive  
Las Vegas, NV 89145  
702-382-0711  
Fax: 702-382-5816  
Email: [canderson@maclaw.com](mailto:canderson@maclaw.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Jorge Navarrete**

**TERMINATED: 09/29/2022**

represented by **Thomas D Dillard**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Johnnie Rawlinson**

represented by **Patrick A Rose**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Alan I Rothenberg**

2121 Avenue of the Stars, Suite 3000  
Los Angeles, CA 90067

**TERMINATED: 10/07/2022**

represented by **Eric M George**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Edward Ephraim Schiffer**

represented by **Patrick A Rose**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Charles Schwab**

**TERMINATED: 10/07/2022**

represented by **Brian Douglas Blakley**  
Lewis Roca Rothgerber, LLP  
3993 Howard Hughes Pkwy., Ste 600  
Las Vegas, NV 89169

**AttyDefsSER-217**

702-474-2687  
Email: [BBlakley@lrrc.com](mailto:BBlakley@lrrc.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Peter Lind Shaw**

represented by **Patrick A Rose**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Barry Silverman**

represented by **Patrick A Rose**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Richard Tallman**

represented by **Patrick A Rose**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Wallace Tashima**

represented by **Patrick A Rose**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Sidney Thomas**

represented by **Patrick A Rose**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
06/24/2022	<u>1</u>	PETITION FOR REMOVAL from Eighth Judicial District Court, Case Number A-22-847734-C, by Edward Ephraim Schiffer, Peter Lind Shaw, Sidney Thomas, George King, Molly Dwyer. Proof of service due by 5/4/2022. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C) (Rose, Patrick)  NOTICE of Certificate of Interested Parties requirement: Under Local Rule 7.1-1, a party must <u>immediately</u> file its disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court. (Entered: 06/24/2022)
06/27/2022		Attorney update in case: Attorney Thomas D Dillard for Tani Cantil-Sakauye, William Dato, and Jorge Navarrete. Craig R. Anderson for Donald Miles. (DRS) (Entered: 06/27/2022)
06/27/2022		Case randomly assigned to Judge Andrew P. Gordon and Magistrate Judge Cam Ferenbach. (DRS) (Entered: 06/27/2022)
06/27/2022	2	STANDING ORDER. This case has been assigned to the Honorable Andrew P. Gordon. Judge Gordon's Chambers Practices, which are posted on the U.S. District Court, District of Nevada public website, may also be accessed directly via this hyperlink: <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> . (Copies have been distributed pursuant to the NEF - DRS) (Entered: 06/27/2022)
06/27/2022	<u>3</u>	MINUTE ORDER IN CHAMBERS of the Honorable Judge Andrew P. Gordon on 6/27/2022. Statement regarding removed action is due by 7/12/2022. Joint Status Report regarding removed action is due by 7/27/2022. (Copies have been distributed pursuant to the NEF - DRS) (Entered: 06/27/2022)
07/01/2022	4	MOTION to Extend Time (First Request) <i>to Respond to Plaintiffs Complaint re <u>1</u> Petition for Removal,</i> , by Defendants Molly Dwyer, George King, Edward Ephraim

**AttyDefsSER-218**

		Schiffer, Peter Lind Shaw, Sidney Thomas. (Rose, Patrick) (Entered: 07/01/2022)
07/01/2022	<u>5</u>	MOTION to Dismiss by Defendants Eric George, Ronald George, Alan I Rothenberg.. Responses due by 7/15/2022. Discovery Plan/Scheduling Order due by 8/15/2022. (Attachments: # <u>1</u> Declaration, # <u>2</u> Declaration, # <u>3</u> Declaration, # <u>4</u> Certificate of Service)(HAM)  NOTICE of Certificate of Interested Parties requirement: Under Local Rule 7.1-1, a party must <u>immediately</u> file its disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court. (Entered: 07/05/2022)
07/01/2022	<u>6</u>	CERTIFICATE of Interested Parties by Eric George, Ronald George, Alan I Rothenberg that identifies all parties that have an interest in the outcome of this case. (HAM) (Entered: 07/05/2022)
07/01/2022	<u>7</u>	Consent for Electronic Service of Documents by Defendant Eric George. (HAM) (Entered: 07/05/2022)
07/01/2022	<u>8</u>	REQUEST for Judicial Notice re <u>5</u> Motion to Dismiss,, by Defendants Eric George, Ronald George, Alan I Rothenberg. (HAM) (Entered: 07/05/2022)
07/05/2022	<u>9</u>	First STIPULATION FOR EXTENSION OF TIME (First Request) <i>for Defendant MidFirst Bank to Respond to Plaintiff's Complaint</i> by Defendants 1st Century Bancshares, Inc., 1st Century Bank. by Defendants 1st Century Bancshares, Inc., 1st Century Bank. (Ayers, Michael) (extend) (answer) (Entered: 07/05/2022)
07/05/2022	<u>10</u>	ORDER Granting <u>9</u> Stipulation for Extension of Time. 1st Century Bank answer due 7/20/2022. Signed by Magistrate Judge Cam Ferenbach on 7/5/2022. (Copies have been distributed pursuant to the NEF – JQC) (Entered: 07/06/2022)
07/06/2022	<u>11</u>	MINUTE ORDER IN CHAMBERS of the Honorable Judge Andrew P. Gordon on 7/6/2022. Regarding the Requirements of <i>Klinge v. Eikenberry</i> and <i>Rand v. Rowland</i> as to <u>5</u> Motion to Dismiss,,. Opposition due 14 days from the date of this Minute Order, and reply due seven 7 days after the filing of the opposition. (Copies have been distributed pursuant to the NEF – EDS) (Entered: 07/06/2022)
07/12/2022	<u>12</u>	STATEMENT REGARDING REMOVAL by Defendants Molly Dwyer, George King, Edward Ephraim Schiffer, Peter Lind Shaw, Sidney Thomas.. (Rose, Patrick) (Entered: 07/12/2022)
07/12/2022	<u>13</u>	CERTIFICATE OF SERVICE for <u>3</u> Minute Order Removal Case, by Defendants Molly Dwyer, George King, Edward Ephraim Schiffer, Peter Lind Shaw, Sidney Thomas.. (Rose, Patrick) (Entered: 07/12/2022)
07/12/2022	<u>14</u>	MOTION to Dismiss by Defendant William Dato. by Defendant William Dato. Responses due by 7/26/2022. Discovery Plan/Scheduling Order due by 8/26/2022. (Dillard, Thomas)  NOTICE of Certificate of Interested Parties requirement: Under Local Rule 7.1-1, a party must <u>immediately</u> file its disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court. (Entered: 07/12/2022)
07/12/2022	<u>15</u>	CERTIFICATE of Interested Parties by Tani Cantil-Sakauye, William Dato, Jorge Navarrete. There are no known interested parties other than those participating in the case. (Dillard, Thomas) (Entered: 07/12/2022)
07/12/2022	<u>16</u>	MOTION to Dismiss by Defendant Donald Miles. by Defendant Donald Miles. Responses due by 7/26/2022. Discovery Plan/Scheduling Order due by 8/26/2022. (Anderson, Craig)  NOTICE of Certificate of Interested Parties requirement: Under Local Rule 7.1-1, a party must <u>immediately</u> file its disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court. (Entered: 07/12/2022)

07/12/2022	<u>17</u>	CERTIFICATE of Interested Parties by Donald Miles. There are no known interested parties other than those participating in the case (Anderson, Craig) (Entered: 07/12/2022)
07/12/2022	<u>18</u>	MINUTE ORDER IN CHAMBERS of the Honorable Judge Andrew P. Gordon on 7/12/2022. Regarding the Requirements of <i>Klinge v. Eikenberry</i> and <i>Rand v. Rowland</i> as to <u>14</u> Motion to Dismiss, <u>16</u> Motion to Dismiss,. Opposition due 14 days from the date of this Minute Order, and reply due seven 7 days after the filing of the opposition. (Copies have been distributed pursuant to the NEF – EDS) (Entered: 07/12/2022)
07/14/2022	<u>19</u>	Non–Opposition to <u>4</u> Motion to Extend/Shorten Time by Plaintiff Daniel David Dydzak. Replies due by 7/21/2022. (HAM) (Entered: 07/14/2022)
07/14/2022	<u>20</u>	ORDER granting <u>4</u> Motion to Extend Time Re: <u>1</u> Petition for Removal. Molly Dwyer answer due 8/30/2022; George King answer due 8/30/2022; Edward Ephraim Schiffer answer due 8/30/2022; Peter Lind Shaw answer due 8/30/2022; Sidney Thomas answer due 8/30/2022. Signed by Magistrate Judge Cam Ferenbach on 7/14/2022. (Copies have been distributed pursuant to the NEF – HAM) (Entered: 07/14/2022)
07/20/2022	<u>21</u>	CERTIFICATE of Interested Parties by 1st Century Bancshares, Inc., 1st Century Bank that identifies all parties that have an interest in the outcome of this case. Corporate Parent Midfirst Bank for 1st Century Bancshares, Inc., 1st Century Bank added.. (Ayers, Michael) (Entered: 07/20/2022)
07/20/2022	<u>22</u>	MOTION to Dismiss <u>1</u> Petition for Removal,, by Defendants 1st Century Bancshares, Inc., 1st Century Bank. Responses due by 8/3/2022. Discovery Plan/Scheduling Order due by 9/3/2022. (Attachments: # <u>1</u> Exhibit Dydzak v. United States, 2018 U.S. Dist. LEXIS 44805, (N.D. Cal. Mar. 19, 2018), # <u>2</u> Exhibit Dydzak v. United States, 2018 U.S. Dist. LEXIS 44842 (N.D.Cal. 2018), # <u>3</u> Exhibit Vexatious Litigant List)(Ayers, Michael)  NOTICE of Certificate of Interested Parties requirement: Under Local Rule 7.1–1, a party must <u>immediately</u> file its disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court. (Entered: 07/20/2022)
07/20/2022	<u>23</u>	MINUTE ORDER IN CHAMBERS of the Honorable Judge Andrew P. Gordon on 7/20/2022. Regarding the Requirements of <i>Klinge v. Eikenberry</i> and <i>Rand v. Rowland</i> as to <u>22</u> Motion to Dismiss,. Opposition due 14 days from the date of this Minute Order, and reply due seven 7 days after the filing of the opposition. (Copies have been distributed pursuant to the NEF – EDS) (Entered: 07/20/2022)
07/20/2022	<u>24</u>	RESPONSE to <u>5</u> MOTION to Dismiss by Defendants Eric George, Ronald George, Alan I Rothenberg.. <del>22 Motion to Dismiss</del> by Plaintiff Daniel David Dydzak. Replies due by 7/27/2022. (HAM) Modified docket relationship on 8/4/2022. Document is a response to #5 not #22. (LE). (Entered: 07/20/2022)
07/25/2022	<u>25</u>	MOTION to Dismiss by Defendant Charles Schwab. Responses due by 8/8/2022. Discovery Plan/Scheduling Order due by 9/8/2022. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit)(Blakley, Brian)  NOTICE of Certificate of Interested Parties requirement: Under Local Rule 7.1–1, a party must <u>immediately</u> file its disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court. (Entered: 07/25/2022)
07/26/2022	<u>26</u>	MINUTE ORDER IN CHAMBERS of the Honorable Judge Andrew P. Gordon on 7/26/2022. Regarding the Requirements of <i>Klinge v. Eikenberry</i> and <i>Rand v. Rowland</i> as to <u>25</u> Motion to Dismiss. Opposition due 14 days from the date of this Minute Order, and reply due seven 7 days after the filing of the opposition. (Copies have been distributed pursuant to the NEF – SLD) (Entered: 07/26/2022)
07/26/2022	<u>27</u>	ERRATA to <u>25</u> Motion to Dismiss, by Defendant Charles Schwab.. (Attachments: # <u>1</u> Supplement, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit)(Blakley, Brian) (Entered: 07/26/2022)



07/27/2022	<u>28</u>	REPLY to Response to <u>5</u> Motion to Dismiss,, by Defendants Eric George, Ronald George, Alan I Rothenberg. (Attachments: # <u>1</u> Supplement Defendants Eric M. George, Ronald M. George, and Alan I. Rothenberg's Supplemental Request for Judicial Notice in Support of Motion to Dismiss Complaint, # <u>2</u> Exhibit A to Defendants Eric M. George, Ronald M. George, and Alan I. Rothenberg's Supplemental Request for Judicial Notice in Support of Motion to Dismiss Complaint, # <u>3</u> Exhibit B to Defendants Eric M. George, Ronald M. George, and Alan I. Rothenberg's Supplemental Request for Judicial Notice in Support of Motion to Dismiss Complaint)(George, Eric) (Entered: 07/27/2022)
07/27/2022	<u>29</u>	Joint STATUS REPORT by Defendants Molly Dwyer, George King, Edward Ephraim Schiffer, Peter Lind Shaw, Sidney Thomas.. (Rose, Patrick) (Entered: 07/27/2022)
08/01/2022	<u>30</u>	MOTION/VERIFIED PETITION for Permission to Practice Pro Hac Vice by Michael A.S. Newman and DESIGNATION of Local Counsel Michael R. Ayers (Filing fee \$ 250 receipt number ANVDC-6993424) by Defendants 1st Century Bancshares, Inc., 1st Century Bank. (Ayers, Michael) (Entered: 08/01/2022)
08/01/2022	<u>31</u>	RESPONSE to <u>14</u> Motion to Dismiss, by Plaintiff Daniel David Dydzak. Replies due by 8/8/2022. (HAM) (Entered: 08/02/2022)
08/01/2022	<u>32</u>	RESPONSE to <u>16</u> Motion to Dismiss, by Plaintiff Daniel David Dydzak. Replies due by 8/8/2022. (HAM) (Entered: 08/02/2022)
08/02/2022	<u>33</u>	ORDER granting <u>30</u> Verified Petition for Permission to Practice Pro Hac Vice by Michael A.S. Newman and DESIGNATION of Local Counsel Michael R. Ayers. Signed by Judge Andrew P. Gordon on 8/2/2022. Any Attorney not yet registered with the Court's e-filing system shall register on the PACER website <a href="http://www.pacer.gov">www.pacer.gov</a> (Copies have been distributed pursuant to the NEF – HAM) (Entered: 08/02/2022)
08/03/2022	<u>34</u>	REQUEST for Judicial Notice by Plaintiff Daniel David Dydzak. (HAM) (Entered: 08/03/2022)
08/04/2022	<u>35</u>	NOTICE of Docket Correction to <u>24</u> Response, : QC Modified docket relationship on 8/4/2022. Document is a response to ECF No. <u>5</u> Motion to Dismiss. <b>(no image attached)</b> (LE) (Entered: 08/04/2022)
08/08/2022	<u>36</u>	REPLY to Response to <u>16</u> Motion to Dismiss, by Defendant Donald Miles. (Anderson, Craig) (Entered: 08/08/2022)
08/08/2022	<u>37</u>	REPLY to Response to <u>14</u> Motion to Dismiss, by Defendant William Dato. (Dillard, Thomas) (Entered: 08/08/2022)
08/09/2022	<u>38</u>	CERTIFICATE OF SERVICE for <u>22</u> Motion to Dismiss,, by Defendants 1st Century Bancshares, Inc., 1st Century Bank.. (Ayers, Michael) (Entered: 08/09/2022)
08/10/2022	<u>39</u>	NOTICE re <u>31</u> , <u>32</u> Responses by Daniel David Dydzak. (HAM) (Entered: 08/10/2022)
08/11/2022	<u>40</u>	ORDER. It is ordered that plaintiff Daniel Dydzak's request to extend time (ECF No. <u>39</u> ) is GRANTED. The time for Dydzak to file responses to the motions to dismiss filed by defendants 1st Century Bank and 1st Century Bancshares, Inc. (ECF No. <u>22</u> ) and defendant Charles Schwab (ECF No. <u>25</u> ) is extended to August 25, 2022. It is further ordered that defendants 1st Century Bank and 1st Century Bancshares, Inc., which claims they have been incorrectly named in this action, shall file a motion to change the caption to accurately reflect the correctly named defendant by August 19, 2022. Signed by Judge Andrew P. Gordon on 8/11/2022. (Copies have been distributed pursuant to the NEF – HAM) (Entered: 08/11/2022)
08/11/2022	<u>41</u>	RESPONSE to <u>22</u> Motion to Dismiss by Plaintiff Daniel David Dydzak. Replies due by 8/18/2022. (TRW) (Entered: 08/11/2022)
08/11/2022	<u>42</u>	NOTICE by Daniel David Dydzak re Missing Opposition re <u>41</u> Response to <u>22</u> Motion to Dismiss. (HAM) (Entered: 08/12/2022)
08/16/2022	<u>43</u>	REPLY to Response to <u>22</u> Motion to Dismiss,, by Defendants 1st Century Bancshares, Inc., 1st Century Bank. (Ayers, Michael) (Entered: 08/16/2022)

08/16/2022	<u>44</u>	MOTION to Correct <u>40</u> Order,,, Set/Reset Deadlines & Hearings,, by Defendants 1st Century Bancshares, Inc., 1st Century Bank. Responses due by 8/30/2022. (Attachments: # <u>1</u> Declaration Declaration of Bryon Linkous)(Ayers, Michael) (pleading) (Entered: 08/16/2022)
08/25/2022	<u>45</u>	RESPONSE to <u>25</u> Motion to Dismiss, by Plaintiff Daniel David Dydzak. Replies due by 9/1/2022. (HAM) (Entered: 08/25/2022)
08/30/2022	<u>46</u>	MOTION to Dismiss by Defendants William Canby, Maxine Chesney, Molly Dwyer, Ferdinand Francis Fernandez, William Fletcher, Ronald Gould, George King, Johnnie Rawlinson, Edward Ephraim Schiffer, Peter Lind Shaw, Barry Silverman, Richard Tallman, Sidney Thomas, Kim McClane Wardlaw. Responses due by 9/13/2022. (Rose, Patrick) (Entered: 08/30/2022)
08/31/2022	<u>47</u>	ORDER granting <u>44</u> Motion to change caption. MidFirst Bank will be a named defendant in place of 1st Century Bank and 1st Century Bancshares, Inc. Signed by Magistrate Judge Cam Ferenbach on 8/31/2022. (Copies have been distributed pursuant to the NEF – HAM) (Entered: 08/31/2022)
08/31/2022	<u>48</u>	MINUTE ORDER IN CHAMBERS of the Honorable Judge Andrew P. Gordon on 8/31/2022. Regarding the Requirements of <i>Klinge v. Eikenberry</i> and <i>Rand v. Rowland</i> as to <u>46</u> Motion to Dismiss,. Opposition due 14 days from the date of this Minute Order, and reply due seven 7 days after the filing of the opposition. (Copies have been distributed pursuant to the NEF – EDS) (Entered: 08/31/2022)
09/01/2022	<u>49</u>	REPLY to Response to <u>25</u> Motion to Dismiss, by Defendant Charles Schwab. (Blakley, Brian) (Entered: 09/01/2022)
09/02/2022	<u>50</u>	MINUTE ORDER IN CHAMBERS of the Honorable Judge Andrew P. Gordon on 9/2/2022. Regarding the Requirements of <i>Klinge v. Eikenberry</i> and <i>Rand v. Rowland</i> as to <u>14</u> Motion to Dismiss, <u>16</u> Motion to Dismiss, <u>46</u> Motion to Dismiss, <u>25</u> Motion to Dismiss, <u>5</u> Motion to Dismiss, <u>22</u> Motion to Dismiss. Opposition due 14 days from the date of this Minute Order, and reply due seven 7 days after the filing of the opposition. (Copies have been distributed pursuant to the NEF – HAM) (Entered: 09/02/2022)
09/02/2022	<u>51</u>	LETTER to Chief Judge Du from Daniel Dydzak. (HAM) (Entered: 09/02/2022)
09/02/2022	<u>52</u>	MOTION to Stay Case by Plaintiff Daniel David Dydzak. Responses due by 9/16/2022. (HAM) (Entered: 09/02/2022)
09/02/2022	<u>53</u>	MOTION to Appoint Special Master by Plaintiff Daniel David Dydzak. Responses due by 9/16/2022. (HAM) (Entered: 09/02/2022)
09/12/2022	<u>54</u>	RESPONSE to <u>52</u> Motion to Stay Case or Discovery by Defendant Charles Schwab. Replies due by 9/19/2022. (Attachments: # <u>1</u> Exhibit 1)(Blakley, Brian) (Entered: 09/12/2022)
09/12/2022	<u>55</u>	RESPONSE to <u>53</u> Motion to Appoint Special Master by Defendant Charles Schwab. Replies due by 9/19/2022. (Blakley, Brian) (Entered: 09/12/2022)
09/13/2022	<u>56</u>	RESPONSE to <u>53</u> Motion to Appoint Special Master by Defendants William Canby, Maxine Chesney, Molly Dwyer, Ferdinand Francis Fernandez, William Fletcher, Ronald Gould, George King, Johnnie Rawlinson, Edward Ephraim Schiffer, Peter Lind Shaw, Barry Silverman, Richard Tallman, Sidney Thomas, Kim McClane Wardlaw. Replies due by 9/20/2022. (Rose, Patrick) (Entered: 09/13/2022)
09/13/2022	<u>57</u>	JOINDER to <u>55</u> Response to <u>53</u> Motion to Appoint Special Master by Defendant Donald Miles. (Anderson, Craig) Modified to link back to underlying motion on 9/15/2022 (EDS). (Entered: 09/13/2022)
09/13/2022	<u>58</u>	JOINDER to <u>56</u> Response to <u>53</u> Motion to Appoint Special Master by Defendant Donald Miles. (Anderson, Craig) Modified to link back to underlying motion on 9/15/2022 (EDS). (Entered: 09/13/2022)
09/14/2022	<u>59</u>	RESPONSE to <u>52</u> Motion to Stay Case or Discovery by Defendant Donald Miles. Replies due by 9/21/2022. (Anderson, Craig) (Entered: 09/14/2022)

09/14/2022	<u>60</u>	RESPONSE to <u>52</u> Motion to Stay Case or Discovery, <u>53</u> Motion to Appoint Special Master by Defendants Eric George, Ronald George, Alan I Rothenberg. Replies due by 9/21/2022. (George, Eric) (Entered: 09/14/2022)
09/14/2022	<u>61</u>	EX PARTE MOTION for Extension of Time (First Request) to file Response re <u>46</u> Motion to Dismiss by Plaintiff Daniel David Dydzak. (TRW) (answer) (Entered: 09/14/2022)
09/14/2022	<u>62</u>	RESPONSE to <u>52</u> Motion to Stay Case or Discovery by Defendants William Canby, Maxine Chesney, Molly Dwyer, Ferdinand Francis Fernandez, William Fletcher, Ronald Gould, George King, Johnnie Rawlinson, Edward Ephraim Schiffer, Peter Lind Shaw, Barry Silverman, Richard Tallman, Sidney Thomas, Kim McClane Wardlaw. Replies due by 9/21/2022. (Rose, Patrick) (Entered: 09/14/2022)
09/15/2022	<u>63</u>	NOTICE of intent to dismiss pursuant to FRCP 4(m). The * Petition for Removal* in this action was filed on* 6/24/2022.* To date no proper proof of service has been filed as to*Thomas Layton and Wallace Tashima.* FRCP 4(m) dismissal deadline set for 10/15/2022. (EDS) (Entered: 09/15/2022)
09/15/2022	<u>64</u>	MOTION to Stay Discovery re <u>46</u> Motion to Dismiss, by Defendants William Canby, Maxine Chesney, Molly Dwyer, Ferdinand Francis Fernandez, William Fletcher, Ronald Gould, George King, Johnnie Rawlinson, Edward Ephraim Schiffer, Peter Lind Shaw, Barry Silverman, Richard Tallman, Sidney Thomas, Kim McClane Wardlaw. Responses due by 9/29/2022. (Rose, Patrick) (Entered: 09/15/2022)
09/16/2022	<u>65</u>	<b>ERROR:</b> Document terminated – wrong event used. Attorney refiled document. See ECF <u>67</u> . <del>JOINDER to <u>52</u> Motion to Stay Case or Discovery by Defendants Tani Cantil-Sakauye, William Dato, Jorge Navarrete. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Dillard, Thomas)</del> Modified on 9/16/2022 (SLD). (Entered: 09/16/2022)
09/16/2022	<u>66</u>	RESPONSE to <u>53</u> Motion to Appoint Special Master by Defendants Tani Cantil-Sakauye, William Dato, Jorge Navarrete. Replies due by 9/23/2022. (Attachments: # <u>1</u> Exhibit A)(Dillard, Thomas) (Entered: 09/16/2022)
09/16/2022	<u>67</u>	RESPONSE to <u>52</u> Motion to Stay Case or Discovery by Defendants Tani Cantil-Sakauye, William Dato, Jorge Navarrete. Replies due by 9/23/2022. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Dillard, Thomas) (Entered: 09/16/2022)
09/16/2022	<u>68</u>	RESPONSE to <u>53</u> Motion to Appoint Special Master by Defendant MidFirst Bank. Replies due by 9/23/2022. (Ayers, Michael) (Entered: 09/16/2022)
09/16/2022	<u>69</u>	RESPONSE to <u>52</u> Motion to Stay Case or Discovery by Defendant MidFirst Bank. Replies due by 9/23/2022. (Ayers, Michael) (Entered: 09/16/2022)
09/19/2022	<u>70</u>	REPLY to <u>69</u> Response to <u>64</u> Motion to Stay Case or Discovery, by Plaintiff Daniel David Dydzak. (HAM) (Entered: 09/20/2022)
09/19/2022	<u>71</u>	REPLY to <u>68</u> Response to <u>53</u> Motion to Appoint Special Master by Plaintiff Daniel David Dydzak. (HAM) (Entered: 09/20/2022)
09/21/2022	<u>72</u>	REPLY to <u>66</u> Response to <u>53</u> Motion to Appoint Special Master by Plaintiff Daniel David Dydzak. (HAM) (Entered: 09/21/2022)
09/21/2022	<u>73</u>	REPLY to <u>57</u> , <u>58</u> Joinders re <u>53</u> Motion to Appoint Special Master by Plaintiff Daniel David Dydzak. (HAM) (Entered: 09/21/2022)
09/22/2022	<u>74</u>	REPLY to <u>60</u> Response to <u>52</u> Motion to Stay Case or Discovery and <u>53</u> Motion to Appoint Special Master by Plaintiff Daniel David Dydzak. (TRW) (Entered: 09/22/2022)
09/26/2022	<u>75</u>	RESPONSE to <u>69</u> Response to <u>52</u> Motion to Stay Case or Discovery by Plaintiff Daniel David Dydzak. (HAM) (Entered: 09/26/2022)
09/26/2022	<u>76</u>	REPLY to <u>75</u> Response to <u>64</u> Motion to Stay Case or Discovery, by Plaintiff Daniel David Dydzak. (HAM) (Entered: 09/26/2022)
09/26/2022	<u>77</u>	REPLY to <u>75</u> Response to <u>64</u> Motion to Stay Case or Discovery, by Plaintiff Daniel David Dydzak. (HAM) (Entered: 09/26/2022)

09/27/2022	<u>78</u>	MOTION to Extend Time (First Request) <i>to Respond to Plaintiffs Complaint re 1</i> Petition for Removal., by Defendant Wallace Tashima. Responses due by 10/11/2022. (Rose, Patrick) (answer) (Entered: 09/27/2022)
09/30/2022	<u>79</u>	ORDER Denying <u>53</u> Motion to Appoint Special Master and Granting <u>61</u> Ex Parte Motion to Extend Time (First Request). Responses re <u>46</u> Motion to Dismiss due by 12/15/2022. IT IS FURTHER ORDERED that Dydzaks Motion to Stay Case (ECF No. <u>52</u> ) is GRANTED in part. Discovery is stayed until Judge Gordon resolves the pending Motions to Dismiss. However, the Motion is denied to the extent it seeks to stay rulings on fully briefed Motions to Dismiss. IT IS FURTHER ORDERED that the federal defendants Motion to Stay Discovery (ECF No. <u>64</u> ) is GRANTED. Discovery is stayed until resolution of the pending Motions to Dismiss. Signed by Judge Andrew P. Gordon on 9/30/2022. (Copies have been distributed pursuant to the NEF – TRW) (Entered: 09/30/2022)
10/07/2022	<u>80</u>	ORDER Granting <u>5</u> Motion to Dismiss, <u>14</u> Motion to Dismiss, <u>16</u> Motion to Dismiss, <u>22</u> Motion to Dismiss, and <u>25</u> Motion to Dismiss. Signed by Judge Andrew P. Gordon on 10/7/2022. (Copies have been distributed pursuant to the NEF – TRW) (Entered: 10/07/2022)
10/07/2022	<u>81</u>	JOINDER to <u>46</u> Motion to Dismiss, by Defendant Wallace Tashima.. (Rose, Patrick) (Entered: 10/07/2022)
10/11/2022	<u>82</u>	RESPONSE to <u>78</u> Motion to Extend Time by Plaintiff Daniel David Dydzak. Replies due by 10/18/2022. (HAM) (Entered: 10/11/2022)
10/18/2022	<u>83</u>	ORDER. It is ordered that Plaintiff Daniel Dydzak's claim against defendant Thomas Layton is DISMISSED without prejudice for failure to timely and properly serve. Signed by Judge Andrew P. Gordon on 10/18/2022. (Copies have been distributed pursuant to the NEF – HAM) (Entered: 10/18/2022)
10/28/2022	<u>84</u>	ORDER granting <u>78</u> Motion to Extend Time Re: <u>1</u> Petition for Removal, Wallace Tashima answer due 10/31/2022. Signed by Magistrate Judge Cam Ferenbach on 10/28/2022. (Copies have been distributed pursuant to the NEF – HAM) (Entered: 10/28/2022)
11/01/2022	<u>85</u>	NOTICE OF APPEAL as to <u>80</u> Order on Motion to Dismiss, by Plaintiff Daniel David Dydzak. E–mail notice (NEF) sent to the US Court of Appeals, Ninth Circuit. <i>Filing fee not paid.</i> (HAM) (Entered: 11/01/2022)
11/03/2022	<u>86</u>	USCA ORDER for Time Schedule as to <u>85</u> Notice of Appeal filed by Daniel David Dydzak. <b>USCA Case Number 22–16717</b> . (Copies have been distributed pursuant to the NEF – TRW) (Entered: 11/07/2022)
12/15/2022	<u>87</u>	RESPONSE to <u>46</u> Motion to Dismiss, by Plaintiff Daniel David Dydzak. Replies due by 12/22/2022. (HAM) (Entered: 12/15/2022)
12/22/2022	<u>88</u>	REPLY to Response to <u>46</u> Motion to Dismiss, by Defendants William Canby, Maxine Chesney, Molly Dwyer, Ferdinand Francis Fernandez, William Fletcher, Ronald Gould, George King, Johnnie Rawlinson, Edward Ephraim Schiffer, Peter Lind Shaw, Barry Silverman, Richard Tallman, Wallace Tashima, Sidney Thomas, Kim McClane Wardlaw. (Rose, Patrick) (Entered: 12/22/2022)
01/27/2023	<u>89</u>	ORDER of USCA, Ninth Circuit, as to <u>85</u> Notice of Appeal filed by Daniel David Dydzak. Appeal is DISMISSED for lack of jurisdiction. (Copies have been distributed pursuant to the NEF – TRW) (Entered: 01/27/2023)
03/21/2023	<u>90</u>	MANDATE of USCA, Ninth Circuit, as to <u>89</u> USCA Order re <u>85</u> Notice of Appeal filed by Daniel David Dydzak. Appeal is DISMISSED for lack of jurisdiction. (Copies have been distributed pursuant to the NEF – TRW) (Entered: 03/21/2023)
04/17/2023	<u>91</u>	ORDER. It Is Therefore Ordered that the motion to dismiss defendants William Canby, Ferdinand Fernandez, William Fletcher, Ronald Gould, Barry Silverman, Richard Tallman, Sidney Thomas, Kim Wardlaw, Maxine Chesney, Molly Dwyer, George King, Edward Schiffer, Peter Shaw, and A. Wallace Tashima EF Nos. <u>46</u> , <u>81</u> is GRANTED. It Is Further Ordered. that the motion to dismiss defendant Johnnie Rawlinson is GRANTED with prejudice. The clerk of the court is instructed to enter

		judgment in favor of defendant Johnnie Rawlinson and against plaintiff Daniel Dydzak. Because there are no outstanding claims or parties, the clerk of the court is instructed to close this case. See order for further details. Signed by Judge Andrew P. Gordon on 4/17/2023. (Copies have been distributed pursuant to the NEF – LOE) (Entered: 04/18/2023)
04/18/2023	<u>92</u>	JUDGMENT in favor of Johnnie Rawlinson against Daniel David Dydzak. Signed by Clerk of Court Debra K. Kempf on 4/18/2023. (Copies have been distributed pursuant to the NEF – LOE) (Entered: 04/18/2023)
05/15/2023	<u>93</u>	NOTICE OF APPEAL as to <u>91</u> Order on Motion to Dismiss,,,,,, by Plaintiff Daniel David Dydzak. Filing fee \$ 505 (DUE). E-mail notice (NEF) sent to the US Court of Appeals, Ninth Circuit. (JQC) (Entered: 05/15/2023)
05/16/2023	<u>94</u>	PROPOSED Judgment by Plaintiff Daniel David Dydzak. (ALZ) (Entered: 05/16/2023)
05/23/2023	<u>95</u>	USCA ORDER for Time Schedule as to <u>93</u> Notice of Appeal filed by Daniel David Dydzak. <b>USCA Case Number 23–15784</b> . (Copies have been distributed pursuant to the NEF – JQC) (Entered: 05/25/2023)
08/04/2023	<u>96</u>	ORDER. I THEREFORE ORDER the clerk of court to enter judgment as follows:Defendants Tani G. Cantil–Sakaue and Jorge Navarrete are dismissed without prejudicefor lack of subject matter jurisdiction and lack of personal jurisdiction. IDefendants Eric George, Ronald George, Alan Rothenberg, William Dato, Donald Miles, MidFirst Bank, Charles Schwab, William Canby, Ferdinand Fernandez, William Fletcher, Ronald Gould, Barry Silverman, Richard Tallman, Sidney Thomas, Kim Wardlaw, MaxineChesney, Molly Dwyer, George King, Edward Schiffer, Peter Shaw, and A. Wallace Tashima are dismissed without prejudice for lack of personal jurisdiction. Defendant Thomas Layton isdismissed without prejudice for failure to timely serve. Signed by Judge Andrew P. Gordon on 8/4/2023. (Copies have been distributed pursuant to the NEF – CT) (Entered: 08/04/2023)
08/04/2023	<u>97</u>	JUDGMENT in favor of MidFirst Bank, Alan I Rothenberg, Barry Silverman, Charles Schwab, Donald Miles, Edward Ephraim Schiffer, Eric George, Ferdinand Francis Fernandez, George King, Jorge Navarrete, Kim McClane Wardlaw, Maxine Chesney, Molly Dwyer, Peter Lind Shaw, Richard Tallman, Ronald George, Ronald Gould, Sidney Thomas, Tani Cantil–Sakaue, Thomas Layton, Wallace Tashima, William Canby, William Dato, William Fletcher against Daniel David Dydzak. Signed by Clerk of Court Debra K. Kempf on 8/4/2023. (Copies have been distributed pursuant to the NEF – CT) (Entered: 08/04/2023)
08/14/2023	<u>98</u>	NOTICE OF APPEAL by Plaintiff Daniel David Dydzak. Filing fee \$ 505 – due. E-mail notice (NEF) sent to the US Court of Appeals, Ninth Circuit. (AMMi) (Entered: 08/18/2023)
08/23/2023	<u>99</u>	USCA ORDER for Time Schedule as to <u>98</u> Notice of Appeal filed by Daniel David Dydzak. <b>USCA Case Number 23–16122</b> . (Copies have been distributed pursuant to the NEF – JQC) (Entered: 08/24/2023)
08/30/2023	<u>100</u>	NOTICE OF APPEAL by Plaintiff Daniel David Dydzak. Filing fee \$ 505 – due. E-mail notice (NEF) sent to the US Court of Appeals, Ninth Circuit. (AMMi) (Entered: 09/01/2023)
09/05/2023	<u>101</u>	RECEIPT of Payment: \$ 505.00, receipt number 5502. (JQC) (Entered: 09/05/2023)
09/19/2023	<u>102</u>	USCA ORDER for Time Schedule as to <u>100</u> Notice of Appeal filed by Daniel David Dydzak. <b>USCA Case Number 23–16193</b> . (Copies have been distributed pursuant to the NEF – AMMi) (Entered: 10/13/2023)
11/27/2023	<u>103</u>	ORDER of USCA, Ninth Circuit, as to <u>100</u> Notice of Appeal filed by Daniel David Dydzak. <b>This appeal is dismissed for failure to prosecute. This order served on the district court shall, 21 days after the date of the order, act as the mandate of this court.</b> (Copies have been distributed pursuant to the NEF – ALZ) (Entered: 11/27/2023)
03/04/2024	<u>105</u>	RECEIPT of Payment: \$ 605, receipt number 8242 (AMMi – Ad hoc: COA) (Entered: 04/10/2024)

04/04/2024	<u>104</u>	<p>ORDER of USCA, Ninth Circuit, as to <u>100</u> Notice of Appeal filed by Daniel David Dydzak.</p> <p>On January 3, 2024, this court ordered appellant to pay the fees for appeal No. 23–16193 and file a consolidated opening brief by February 29, 2024. The order warned that failure to do so would result in dismissal of the appeal(s).</p> <p>Appellant filed a consolidated opening brief on March 1, 2024, but has not paid the overdue fees. As a consequence, appeal No. 23–16193 is dismissed. See 9th Cir. R. 42–1. This order will be served on the district court, and in 21 days, will become the mandate of this court for appeal No. 23–16193. A motion to reinstate appeal No. 23–16193 will not be entertained absent proof that fees have been paid.</p> <p>Appeal No. 23–15784 remains pending. The answering brief is due May 15, 2024 and needs to address only the portions of the opening brief that relate to appeal No. 23–15784. The optional reply brief is due within 21 days of service of the answering brief.</p> <p>(Copies have been distributed pursuant to the NEF – RJDG) (Entered: 04/05/2024)</p>
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**CERTIFICATE OF SERVICE**

**(Federal Rule of Appellate Procedure 25(c); Circuit Rule 25-5(f)(2))**

I hereby certify that on May 15, 2024, I electronically filed the foregoing Supplemental Excerpts of Record of Appellees Eric M. George, Ronald M. George, and Alan I. Rothenberg with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the Appellate Electronic Filing System.

I further certify that on May 15, 2024, I served the foregoing document by Federal Express for delivery within three days to the following unregistered case participant:

Daniel David Dydzak

4265 Marina City Drive, Suite 407W

Marina Del Rey, CA 90292

Date: May 15, 2024

/s/ Eric M. George

Eric M. George